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SILENT RÔLES IN ROMAN COMEDY²⁴

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II

SILENT ACTORS

IN PASSING from silent supernumeraries to silent actors we come to a theme hitherto handled exclusively by students of Greek tragedy. They have debated whether silent actors, such as attracted the attention of Aristophanes (*Frogs* 911-20 and scholia) and, possibly, of Aristotle (*Poet.* xxiv. 1460a), were the issue of external conditions or of internal complexities of the plot or of the genius of the

²⁴ A continuation of *Class. Phil.*, XXXI (1936), 97-119. A few additions to this earlier article: At p. 108, to the cases of slaves for momentary purposes, add *Cure.* 311-12 and *Epid.* 399-400 (the slave speaks in 400); also *Men.* 736, where a slave called Decio (MSS, *decco*) is sent after the wife's father and returns with him presumably at 753, although there is no further trace of the slave in the text. Pp. 109 ff., a slave attends the soldier at *Epid.* 437 and is present and silent through 492 apparently. At *Poen.* 209 an *ancilla* (not included in the scene headings of the MSS) must have appeared with the two girls; she is referred to in 332 and there apparently speaks (so the editors after Acidalius) but must have been otherwise silent from 209 through 409—a long passage; very likely the dirty hands mentioned in 316 belong to this maid. In this scene it is more than reasonable to suppose that the two courtesans on their way to the Aphrodisia had a larger escort of servants than those actually mentioned in the text (note the two maids and two menservants in 222-24, who assisted in earlier preparations). Add also a correction on p. 111 (*Hec.* 727 ff.): the house of Bacchis is not "off-stage" but in the stage setting (cf. *hic intus*, 98, and also 719-20); this makes the disappearance of the attendants into her house much easier, immediately after 808, although the text does not indicate it.

The Cairo fragments of Menander (ed. Jensen) offer an interesting parallel to the army of *Eun.* 771 ff. in Sosia's army at *Peric.* 164 ff.; and the cook's attendants of Roman comedy appear in *Sam.* 67 (cf. 80) as well as the cook's *puer* in 142 ff.; a servant for momentary purposes is required in *Sam.* 106. On the relation of the Menandrian *komos* to the use of supernumeraries cf. Maidment, *Class. Quart.*, XXIX (1935), 21 ff.

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Greek artists. Nor have they overlooked the possibility of a combination of such causes.²⁵ To me, at least, it seems clear that many of these long silences in tragedy resulted from conditions peculiar to the Greek stage and the Greek production, but that in some cases an effect of dignity or pathos was achieved by these means in spite of the handicap imposed by the stage setting, the limitation in the number of available actors, the difficulties in motivating entrance and exit, or special circumstances in the development of the plot at a given moment.

Greek tragedy and Greek comedy are essentially different in origin and development, and not even the most ardent advocate of a view that Euripidean tragedy largely determined the form and content of Hellenistic comedy would be disposed, I suspect, to include any long silences in Roman comedy among his arguments in support of Euripidean influence. Even if, as seems to be the case, long and seemingly awkward silences are fewer and less significant in the Roman plays than in Greek tragedy, the conditions under which they appear may be interesting to students of the problem in the tragic drama. For if the same phenomenon appears in two types radically different in their development, an explanation of the phenomenon probably lies in factors that are common to both types of drama in spite of their different origin and development. The aesthetic value often, perhaps rightly, attributed to the long silences in tragedy is hardly conceivable, under normal conditions, in comedy; however much the Roman plays, during the complications of the plot, may verge on the tragic, dignified or pathetic silence is not likely to be a desired effect, and it is not easily discoverable in the instances in Roman comedy. If, contrary to Rees, the rule of three actors holds for Greek tragedy, the practical

²⁵ The more recent discussion was started by Dignan, *The Idle Actor in Aeschylus* (Chicago, 1905); Allen (*Class. Quart.*, I [1907], 268-72) raised objections. The problem offered by the silent actor is often closely connected with "the rule of three actors," and the long silences in Greek tragedy are subject to comment in Rees (*The So-called Rule of Three Actors in the Classical Greek Drama* [Chicago, 1908]) and in Kaffenberger's refutation of Rees (so far as tragedy is concerned) in *Das Dreischauspielergesetz in d. gr. Tragödie* (Darmstadt, 1908). Flickinger (*The Greek Theater and Its Drama* [4th ed.; Chicago, 1936], pp. 172 ff., 186 ff.) neatly summarizes the results of the discussion and states his own opinions. Schlesinger (in *Class. Phil.*, XXV [1930], 230-35, and XXVIII [1933], 176-81) maintains that, in certain cases, characters are silent in Greek tragedy because they can have nothing to say in the situation of the moment, and in general defends the thesis of Rees.

necessity, on occasion, of long awkward silences does not exist for the Roman plays, which required at most a cast varying from three to seven actors—a limited cast, to be sure, but a much more flexible instrument than tragedy possessed if Kaffenberger is right in defending the old view. It may, therefore, interest students of the Greek problem if the examples in the Roman plays can seldom, if ever, be explained by a reference to restrictions imposed by the limited number of actors. Conceivably, the fewer cases in comedy are associated with the increased flexibility of the troupe of actors.

On the other hand, granting that early Greek tragedy was produced under certain peculiar conditions which did not exist in the ultimately developed theater, that some problems of the Hellenistic stage are still unsettled, and that we are almost wholly ignorant of details regarding the structure of the Roman stage in the time of Plautus and Terence, we may perhaps safely indulge in the broad generalization that Greek tragedy, Hellenistic comedy, and Roman comedy were produced in essentially the same scenic setting, at least in so far as the façade of a building or buildings (with some notable exceptions in Greek tragedy) and a street in front of the façade formed the fixed background of the normal drama. Problems that were incident to this immovable setting were shared by tragic and comic playwrights. Nor may one deny that, in the construction of their plots, composers of tragedies and comedies alike might often be confronted by similar difficulties which would lead them on occasion to allow long and awkward silences.

Among these *a priori* considerations we must include the possibility that the stage was so constructed that seemingly awkward silences were mitigated or wholly nullified. Since most of the silent actors in comedy are attentive listeners rather than remote spectators, the disproportionate breadth of the stage, in comparison with its depth, does not seem to me to furnish any relief. Nor does the existence of a porch,²⁶ established for Hellenistic and Roman comedy by internal evidence, assist the stage manager in his handling of long periods of silence. Until recently it was customary to imagine an alleyway at

²⁶ For the evidence and references to earlier bibliography cf. Dalman, *De aedibus scaenicis comoediae novae*, *Klass.-phil. Studien*, herausg. von C. Jensen, Heft 3 (Leipzig, 1929), pp. 23–42.

right angles to the front of the stage and between two of the houses which might have served as a refuge for actors temporarily isolated from the action. But, again, the silent actors, with three exceptions, are not so isolated. Furthermore, the existence of such an alleyway is now denied;²⁷ I think rightly; the *angiportum* of Roman comedy is the street represented by the stage platform itself or, rarely, a street parallel to the stage behind the houses. Any awkwardness that may have resulted from long silences was not lessened by structural features of the scene setting.

But what constitutes "awkwardness" in these periods of silence? Our previous study of silent supernumeraries suggests that the audience was accustomed, if not reconciled, to stolid, silent figures in the background of the action. The silence of important and active rôles is more striking, but we have no means of knowing just how long a period of silence proved awkward to the audience or trying to the stage manager. In the Roman plays there constantly recur passages of forty or fifty verses during which one or more characters are silent; these are frequent when a monologue or dialogue is overheard and interrupted by brief comments of otherwise silent bystanders. Even this rather arbitrary length, stated merely in number of verses, is misleading. Variation in meter produces variation in length of verses; fifty verses of *septenarii* or *octonarii* require a fourth as much time again for delivery as fifty verses of *senarii*; and the same number of lyrical measures sometimes requires less time than any of the other types; nor can we, in recitative and song, estimate the additional time perhaps demanded by musical interludes. In general, I have considered only passages of silence during at least forty long verses or fifty *senarii*.

There are also reservations to be made for environing conditions. The silence of unimportant rôles may be less awkward than that of foreground characters. The silence of any single character is much easier for the stage manager if there are other silent characters or silent supernumeraries on stage; for opportunities of byplay and interplay are increased by the number of persons available for that purpose. And, finally, a character who is silent and aloof from the action is much more difficult to handle than a silent character who is an attentive listener.

²⁷ Cf. Dalman, *op. cit.*, pp. 66-86, and Harsh, *Class. Phil.*, XXXII (1937), 44 ff.

Taking up, first, relatively unimportant rôles we may observe a few cases, usually of female slaves, whose silence is noteworthy. A unique example occurs at the beginning of Terence's *Hecyra*. The background reveals three houses, one of which is occupied by the courtesan Bacchis, as is clear from verses 98 and 719-20. From this house another courtesan, Philotis, and an older woman (vss. 74-75), Syra, emerge in the opening scene of the play, engaged in conversation; presently a male slave, Parmeno, appears from one of the other houses and converses with Philotis, narrating the events necessary to the exposition. Syra, greeted by Parmeno in verse 83 in response to her greeting, remains through the subsequent dialogue between Philotis and Parmeno (84-197) and is consequently silent for 114 iambic senarii. We are left to infer Syra's exit at verse 197 with Philotis. Her relation to Philotis seems to resemble that of the beldam Scapha to Philematium in *Most.* 157 ff. (cf. *Hec.* 63-75 with the diffuse dialogue of the scene in the *Most.*). Both Philotis and Syra are protatic rôles and disappear from the action at the end of the second scene. It is important to notice that the comment in Donatus on verse 58 (ed. Wessner, II, 204) quotes the Greek original of Apollodorus on this verse, including the vocative of Syra's name, so that Syra as well as Philotis must have appeared in the Greek original. The unique feature is the use of two protatic rôles (cf. Donatus on 58. 1: *novo genere hic utraque προτάτικα πρόσωπα inducuntur*, and Nencini, *De Terentio eiusque fontibus*, p. 58). One might prefer to have Philotis enter alone, delivering a soliloquy, and then have Parmeno enter, speaking verses 76-82 of our present text. In this way we could escape the futile rôle of Syra and her long period of silence. It is reasonable to suggest that Apollodorus added Syra to the opening action simply to avoid such a monologue at 58 ff., just as Terence himself invented Antipho in *Eun.* 539 ff. to avoid a monologue by Chaerea which he found in the Greek text of Menander (cf. Donatus on *Eun.* 539.3). Even in the present technique the long silence of Syra might have been avoided by allowing her to intersperse a few casual remarks, but the poet (we cannot say whether Terence or Apollodorus) did not think it worth while. It would not be difficult for Syra to react to Parmeno's narrative in various poses and gestures, if not in facial expression. The interesting possibility is that any resultant awkwardness was subordi-

nated, in the poet's mind, to the advantage of a dialogue over a monologue in the opening scene, verses 58-75.²⁸

Another female slave of the same name, Syra, is abruptly sent on an errand at *Merc.* 787. Elsewhere in this play she has an incidental rôle. She attended her mistress, Dorippa, to Dorippa's house (cf. 689-90) and may have returned on stage with her at verse 700 (the scene headings at 700 and 741 have traces of her name), but the text of 700-786 contains no mention of her, and she must have been silent for 87 iambic verses. She leaves the stage with a laconic *eo* at 788. There were opportunities in the preceding dialogues between the husband and the wife, and the husband, wife, and cook, for amusing reaction on the part of Syra. Though it is conceivable that she remained in the house of Dorippa at verse 700, the command addressed to her in 787 (*i, rogato* and not *exi, rogato*) indicates that she is not being summoned from within the house but has been continuously on stage.²⁹

The *ancilla* Astaphium in the *Truculentus* is more active than either of these two Syras and hardly unimportant. She is in constant attendance through the pseudo-accouchement but has a long period of silence from 515 through 632, except for brief remarks in 584 and 586—a long passage of 117 verses, composed of 46 septenarii and 71 mixed lyrical verses. Two or more silent supernumeraries were present during the same passage (cf. *Class. Phil.*, XXXI [1936], 107-8), and the whole group of servants may have relieved their long silences by attendance on Phronesium, by passing back and forth from the stage to the house, or by pretended conversation, or other byplay.³⁰ Simi-

²⁸ Schadewaldt (*Hermes*, LXVI [1931], 24, n. 2) refers to the failure to account for Syra after vs. 83 but does not note the apparent reason for her existence and subsequent silence.

²⁹ Though not a case of a visible silent actor, Eutychus at *Merc.* 477 interestingly remarks: *omnia ego istaec auscultavi ab ostio*, i.e., he overheard the whole of the preceding scene from the doorway—dramatic technique to avoid repetition of facts.

³⁰ In vs. 541, Leo and others supply the vocative *Astaphium* and read *accipe* for *accepi* of the MSS. Lindsay keeps *accepi* and reads *abducite* for *abduce* of the MSS. Leo's text would require Astaphium to leave the stage for a few moments. The scene headings at 551 contain the name of Astaphium (CD but not B), and she was probably present during the speech of Cyamus in 551 ff.; she speaks at 584. It seems to me likely that one of the supernumeraries is addressed in 541, and I should mend the meter of 541 by reading *accipe hoc (tus atque) abduce hasce hinc e conspectu Suras*; for the phrasing cf. vs. 914: *accipe hoc atque auferto intro*. Note that *tus* in the preceding verse, 540, troubled the copyists (MSS: *tuas*).

larly, later in the same play, Astaphium is silent from 892 through 967 (a passage of 76 septenarii), except for 898 and 950. If verse 914 is addressed to her rather than to a supernumerary slave, she might have been absent for a short interval within the passage.

Three aged wiseacres play an incidental and temporary rôle in the *Phormio* as *advocati*. They appear with Demipho at 348³¹ and remain until 458-59, taking part in the dialogue only in 447 ff. Thus they are all silent in 348-446, during almost a hundred iambic senarii. Here, it seems to me, any audience and any stage director would welcome the presence of these silent rôles. In the brief portion in which they speak, the recurrent *ego*'s reveal an egotism in inverse proportion to their wisdom, and the dramatist is clearly interested in the humorous possibilities of the two scenes. This humor is much enhanced if they are allowed in silence to listen and react to the dialogue of 348-446; attentive listening, nods of appreciation or disagreement, conferences one with another, would make an effective stage picture, and their noncommittal responses in 447 ff. are all the more ludicrous if preceded by manifestations, without words, of impressive wisdom and deep consideration. They are a silent but responsive chorus.

Similar temporary or subsidiary purposes are served by such characters as the *choragus* of *Curc.* 462 ff. and by the *Virgo* of the *Persa*. The *choragus* with a long monologue fills the interval between the departure and the return of the same characters—a purely economic function. If I have been right in contending (*Class. Phil.*, XV [1920], 270, n. 1) that verse 390 is addressed, not to a *puer* as the editors usually suppose, but to the *choragus*, he must have entered at 384 with Curculio, or soon after; certainly the opening words of the monologue in 462-63 indicate that he overheard the preceding dialogue. In that case the *choragus* was silent in 384-461, during 78 iambic verses. Otherwise, he entered abruptly in 462 and did not previously appear as a silent actor. The *Virgo* in the *Persa* is needed only as an assistant in the intrigue. Her two periods of silence, 560-607 (48 trochaic septenarii) and 676-723 (48 iambic senarii), are not of extravagant length; and her silence is justified, as Schlesinger remarks of some of

³¹ Among the illustrated MSS of Terence only a Tours MS indicates their presence in this first scene, in which they are silent; cf. Jones-Morey, *The Miniatures of the Manuscripts of Terence*, Vol. II, Plate 713.

the silent characters in Greek tragedy, by the simple fact that she can have nothing to say in the conditions of the scenes in question. Such a priggish, moralizing person as she pretends to be in 549 ff. could hardly have engaged in anything but rather stupid silence during the subsequent dialogue. Conceivably her silence increased the comical effect of stupidity.

Of similar length is the silence of Aristophontes in *Capt.* 649-96 (48 verses, including 10 trochaic septenarii and 38 iambic senarii); he also fills a temporary though important rôle, and, after his participation in the exciting dialogue that precedes, his silent observation of the punishment with which Hegio threatens Tyndarus makes all the more effective his sudden realization in 697 that his own action has brought disaster to Tyndarus' clever plan.³²

In Greek tragedy the conventionalized messenger's speech must often have been delivered in the presence of auditors who themselves remained silent.³³ The opening scene of the *Amphitruo* is largely a caricature of such a scene in tragedy, and the silence of Mercury, though his ultimate rôle is important, during Sosia's amusing account of the war, 186-247, should have been easily tolerated by an audience used to the silence of such auditors in tragedy. The passage, however, is of considerable length, 62 verses, about equally divided between long iambic octonarii and shorter cretic measures. Ordinarily a single listener would be difficult to manage during so long a soliloquy, but Mercury's puckish humor may have relieved the tension.

There is another type of scene in which, not so much as a matter of convention but because of the nature of the scene itself, silent actors could hardly have offended the audience or baffled the stage director. As on a modern stage, banquet scenes were probably easily handled if the dialogue was carried on among several of the group of revelers amid the silence of other participants. So in *Asin.* 828-93 (66 long verses, iambic octonarii and trochaic septenarii), Philaenium is manifestly present but silent throughout (cf. 830 and the gallantry addressed to her in 845-48); her name does not appear in the scene

³² In *Capt.* 922 ff. there are shorter passages of silence in the case of the slave Stalagmus; he enters at 922, but is silent from 922 through 954 (33 verses, lyrical and trochaic septenarii), also from 990 through 1028, a passage of 39 trochaic septenarii.

³³ E.g., Euripides *Elec.* 774 ff., *Heracl.* 799 ff.; cf. Fischl, *Diss. Vindob.*, X (1912), 12 (bottom of page).

headings at 828 but is covered by *meretrix* in the headings at 851. And again in the *Mostellaria* (348-98), during 51 trochaic septenarii, Philematium is silent; Delphium also except for brief remarks at 373-74, 393, 398; and Callidamates only on occasion awakens from his drunken stupor. In both these scenes the main dialogue is carried on by two other banqueters, and a desirable effect is obtained through the stage picture as a whole, enhanced rather than hampered by the complete silence of at least one of the revelers.³⁴

There is, conceivably, a greater degree of awkwardness when the silent actor is carrying an important rôle. But even in this case there may be qualifying factors. The presence of supernumeraries or other silent actors, for example, furnishes opportunities for occupying the silent actor and relieving the strain of the situation. And without such conditions the silent actor, if somewhat isolated, is less unfortunately placed if the text or the implications of the scene indicate that he is an attentive listener reacting to the dialogue than if the circumstances point to his being a remote and uninterested bystander.

At *Bacch.* 640 ff. both Mnesilochus and Pistoclerus are silent throughout the monody of Chrysalus (cf. 639 and 667-70); the solo song itself is not very long, but after it Pistoclerus remains silent during the colloquy between Chrysalus and Mnesilochus until 702 (until 713, if Merula, followed by Leo and others, is right in ascribing 702 to Mnesilochus); the silence, therefore, of Pistoclerus covers at least 640-701, 48 trochaic septenarii preceded by 31 lyrical verses of varying length. It is manifest that Pistoclerus is deeply interested in the conversation during his own silence.

The technique of a scene of the *Captivi* (251-360) is striking. In this scene Hegio first takes Philocrates aside and questions him (253-93) and then in turn questions Tyndarus (294-360); during the first dialogue (41 trochaic septenarii) Tyndarus stands aloof but engages in constant asides which show that he is attentively listening;

³⁴ With this interpretation contrast the reaction of Kurrelmeyer (*The Economy of Actors in Plautus*, p. 70) who regards the silence of Philematium as suspicious, and thinks that she leaves the banquet so that the actor who played her part may change his costume and appear as Tranio in this scene. Such fancies are dispelled when we observe the shorter silences of Lemniselenis (*Pers.* 801-32) and of Paegnium (*Pers.* 821-59, except for 848) in a similar banquet scene. On the content of such scenes cf. Prehn, *Quaest. Plaut.* (Breslau, 1916), pp. 5-25; on the dramatic setting cf. Dalman, *op. cit.*, pp. 27 ff.

during the second dialogue Philocrates, though he is obviously drawn into the group (cf. 293 ff. and the use of *hunc* and *hic* in 345), remains silent through 297–360 (64 trochaic septenarii) and also through the brief monologue of Hegio, 361–67, all iambic senarii. Philocrates is just as attentive in the second dialogue as was Tyndarus during the first, and the significance of the general technique lies, not so much in the silence of Philocrates in the second dialogue, as in the dramatist's evident intent, during the first dialogue in which Tyndarus is aloof but listening, to relieve the awkwardness of his position by providing him with asides. One might fairly argue that, at least in this case, an aloof though attentive listener was regarded to be in a rather awkward situation if he were not allowed some remarks.³⁵ It is further clear that, once Philocrates is drawn into the group, in contrast to the aloofness of Tyndarus in the first dialogue, the dramatist does not feel the need of obviating his silence by any dramatic devices.

The structure in the *Captivi* is directly comparable, with interesting points of difference, to that in the complex of scenes following *Poen.* 961. Here the arrival of Hanno, with a grotesquely garbed group of supernumerary porters (cf. *Class. Phil.*, XXXI [1936], 115–16), leads to extended dialogue which ultimately, as in the *Captivi*, falls into two distinct and balanced parts: in one part, 1035–77, the burden of conversation is borne by Hanno and Agorastocles, with Milphio as a silent but interested listener; in the second part, 1078–1135, Milphio and Hanno converse while Agorastocles listens attentively. Thus we get two evenly balanced periods of silence: Milphio's silence covers 43 verses (1035–77), Agorastocles' 60 verses (1076–1135), in both cases iambic senarii. The passages are not notably long, and if there was any need of relief, the presence of the porters provided a means of temporary byplay. Here, again, as in the *Captivi*, the dramatist seems not to be bothered by an attentive listener; only the remote bystander, such as Tyndarus, prompts the use of asides to relieve his awkwardness.

Similarly moderate in length are two passages in the *Truculentus*. From 551 through 602, Stratophanes is silent while Cyamus sings a solo, and Cyamus and Phronesium engage in song together—a lyrical

³⁵ The technique is loosely parallel to several scenes in which, as in *Pseud.* 133–393, two characters listen to dialogue or monologue and intersperse what they overhear with remarks to each other; but if there are two listeners, the situation is much less awkward than in the case of a single, somewhat aloof, listener.

passage of 52 verses, some of which are of considerable length.³⁶ Again, from 775 through 817 Diniarchus is silent, 43 verses in trochaic measure. In both passages the listeners are manifestly attentive.

At *Trin.* 626 Stasimus explicitly advertises his silence and attention (*est lubido orationem audire*, etc.) during the subsequent dialogue in recitative between Lysiteles and Lesbonicus, 627-704, a somewhat longer passage of 78 trochaic septenarii. The two interlocutors seem to be quite unaware of his presence until Stasimus interrupts with his shout of approval in 705. His situation closely corresponds to that of Tyndarus in *Capt.* 253-93, but his silence is not relieved by any asides; only by gesture and pose, and perhaps in the Roman performance by facial expression, could he have punctuated his long silence.

In *Curc.* 679-729 Curculio must have been present and silent (unless B is correct in assigning to him 712, 713) during 51 trochaic septenarii. As there are five characters on stage, the silence may indicate a limitation in the number of the cast. And Palinurus is silent from 322 through 370 (49 trochaic septenarii); for *hic* in 369 refers to him. Olympio may have been silent in the scene preceding *Cas.* 991, but the lacunae prevent any precise estimate of the length of his silence.

Distinctions between important and unimportant rôles are not always easy to make. Milphidippa in the *Miles* is only a servant, but in the intrigue of the concluding acts of the play she serves as go-between in the affair between the soldier and the pseudo-wife of Periplectomenus and appears in several scenes, usually as a vocal participant. At her first appearance, however, in 874 ff., she is silent for an entire scene during a dialogue in which Periplectomenus, Acroteleutium, and Palaestrio take part. Her presence is clearly indicated in 874, by the plurals in 898-99, 904, 929-30, and by *hanc* in 933, as well as in the scene headings. Several observations on this situation are pertinent: (1) If Milphidippa joined in the conversation, we should have more than three speaking characters on stage at the same time; this rule, however, though frequently observed, is not wholly valid for Roman comedy. (2) The action of the scene is rather trivial from a dramatic standpoint; for the two women have previously re-

³⁶ When song appears, the period of silence is seldom covered by song exclusively, as here; cf. *Amph.* 186-247, *Pseud.* 133-93. Combinations of recitative or speech with song are more frequent, e.g., *Bacch.* 640-701, *Most.* 684-784, *Men.* 752-810.

ceived instructions (cf. 874-75), and this scene serves simply to confront them with Palaestrio, the archintriguer, who reinforces the previous instructions. The audience hardly gets any more enlightenment than it has received previously in 775-804. (3) The silence of Milphidippa is included within a single scene, immediately before and after which she makes no appearance on stage. This fact leads to the modern suggestion that her rôle in this scene was played by a supernumerary.³⁷ In this connection I may call attention to the shorter but rather long silence of Milphidippa in 1143-97, during 55 trochaic septenarii, and under conditions which would not admit the substitution of a supernumerary. The earlier passage of silence, 874-946, includes 73 iambic septenarii, in which the long verses increase the element of time. In both the two scenes there are four characters on stage. Apart from the rule of three speaking characters and aside from the distribution of rôles, which do not here concern us, her silence is mitigated by the fact that she is merely an *ancilla* of the courtesan and that she may have been inconspicuous in the midst of the rather large group.

A stage manager was probably less disturbed by long silences if there were two characters silent at the same time who could engage in real or feigned *sotto voce* conversation, or other byplay, to relieve the strain of attentive listening to the conversation of others. So in the long scene at *Pseud.* 133 ff., the parade of Ballio's establishment, Pseudolus and Calidorus intervene at intervals, by brief passages of dialogue (aside) with each other, in the midst of Ballio's long discourse. But these interruptions come in the latter part of the scene. In the first part, 133-93, they listen, without speaking, during 61 lyrical verses, all of considerable length and about equal, in respect to the time needed for delivery, to the lyrical passage in *Amph.* 186-247 (cf. above, p. 200) in which Mercury listens to Sosia's monody. The scene in the *Pseudolus* is marked by the presence of many silent supernumeraries (cf. *Class. Phil.*, XXXI [1936], 107), but the situation does not admit byplay between these supernumeraries and the two silent characters; in the main, Pseudolus and Calidorus depended on each other for obviating any awkward effects. But it should be

³⁷ So Fr. Schmidt (*Ueber die Zahl d. Schauspieler bei Pl. und Ter.*, pp. 15 and 31) and Kurrelmeyer (*op. cit.*, p. 70), both of whom wish to combine the rôles of Periplectomenus and Milphidippa in one actor, and find in the silence of Milphidippa, in a scene in which Periplectomenus has a speaking rôle, confirmation of their view.

remembered that the presence of half-a-dozen silent supernumeraries provided such a large group of silent listeners that the audience could hardly have been disturbed by the silence of these two characters.

The most noteworthy case of a pair of silent characters is in the complex of action in *Rud.* 691-895. The long duration of the silence and other relevant conditions make this succession of scenes unique in Roman comedy. Although broken up into scenes in our texts this complex is clearly a continuous unit. Palaestra and her maid, Ampelisca, are speaking rôles up to 691 (Ampelisca) and 702 (Palaestra). But from 691 through 885 Ampelisca is silent (195 verses), and from 702 through 885 (184 verses) Palaestra has nothing to say; their silence is covered by a passage that contains a short section of iambic senarii, followed by trochaic septenarii (706-79) and iambic senarii (780-885). There are two important features in this scene complex. First, the large number of characters on stage is striking; inclusive of two silent *lorarii* and Palaestra and Ampelisca, there are from five to eight persons on stage throughout the action. Second, the succession of scenes is consistently marked by violent dramatic action, in which for most of the time many of the characters are involved. Although the two girls are seated on the altar during the action (cf. 688 ff., 707, 846-47), at several points they are so directly threatened that they are in a sense drawn into the action in spite of their silence (cf. 720 ff., 759 ff., 782 ff., 828 ff.). These passages certainly called for direct though inaudible response on the part of the two girls which was dramatically more effective than any spoken words. I doubt whether the ancient audience could have found any awkwardness in their silence; properly acted, the complex of scenes gains in dramatic power by the shifting reaction of the girls, now confident of protection, now timorously cowering as Labrax threateningly approaches.

But in spite of these dramatic values modern students seize upon this protracted silence and advance the theory that, from 706 through 885, supernumeraries played the rôles of Palaestra and Ampelisca. Manifestly, if any such substitution was made, it must have been very expertly and subtly managed. For the action at 701-2 and 705-6 is clearly not broken by any pause, and since Ampelisca and Palaestra were admittedly played by regular actors in the scene preceding 706, the supernumeraries must have slipped in, and the regular actors slipped out, in a most insidious fashion at some point between 701

and 706.³⁸ And, quite apart from this difficulty, how do these modern theorists purpose to deal with the long silences of these same characters in 1045 ff.? Here Palaestra and Ampelisca enter with Daemones (1045-48) and exclaim *miserae periiimus* (1048). There follows the discovery of Palaestra as the daughter of Daemones, but during the recognition scene, from 1049 through 1130 (82 trochaic septenarii), Palaestra remains a vitally interested but silent witness of the proceedings; and Ampelisca, less vitally interested but attentive, is silent during 1049-1183 (135 trochaic septenarii). Since Ampelisca speaks only the few words at 1048 and 1183, it is conceivable that her rôle was played by a supernumerary, but any such substitution for Palaestra seems impossible; for she engages in the dialogue from 1130 through 1183. In any case we are again concerned with a scene requiring five characters; and, again, the action is exciting and vigorous, the silent witnesses are alertly attentive, and the audience could hardly have been diverted by their silence from concentration upon the gradual discovery of Palaestra's parentage. Although I question whether these two chapters of action in the *Rudens* (691-885; 1045-1183) lost any of their dramatic values through the silence of the two girls, the extraordinary length of the passages and the appearance of the phenomenon twice in the same play set the *Rudens* quite apart from the other Roman comedies.³⁹

Mere length in the duration of silence, if one sympathetically visualizes the action on stage and the psychological conditions, is not necessarily evidence of awkwardness.⁴⁰ The most important factor is the matter of aloofness. In practically all the examples cited thus far the silent actor has been an interested and attentive bystander.

³⁸ Cf. *Rudens*, ed. Marx, pp. 290-91, and Kurrelmeyer, *op. cit.*, p. 79. Neither of these writers seems aware of the significance of 1045 ff. It is, however, probable that the number of actors required for the *Rudens* would be increased by at least one if the rôles of the two girls were not played by supernumeraries in 706 ff.

³⁹ So, e.g., students of contamination and expansion in Plautus may find comfort for their notions of Plautine inlays in these scenes and other varieties of Roman meddling with the Greek original; cf. the ratiocinations of Jachmann (*Plautinisches und Attisches*, pp. 1-104, esp. pp. 45 ff.) on *Rud.* 1045 ff.

⁴⁰ As an example of probable awkwardness during even a short period of silence I may offer the situation in the *Most.* at 904 ff. Between 904 and 932, for only 29 trochaic septenarii, Phaniscus and Pinacium are silent during the conversation between Theopropides and Tranio. The two *pueri delicati* are abruptly eliminated from the action at 904 and as abruptly return to it in 933; and the context indicates that they hear nothing of the intervening dialogue and are completely aloof from the two interlocutors. Short as the period is, the stage manager, I suspect, was embarrassed in such a situation.

There are only a few instances in which he is definitely separated from other characters in the scene to such a degree that he may well have taxed the ingenuity of the stage manager and his own histrionic skill.

In the *Menaechmi*, between 752 and 811, Menaechmus Sosicles stands quite apart, in a sulky attitude, during the monody of the *senex* and the following dialogue between the *senex* and the *matrona*. There is no evidence that he heard what was going on. Verse 777 clearly indicates both his peevishness and his aloofness, and 810 repeats the description. The intervening passage contains 59 verses, divided between a lyrical solo in rather long verses and 36 trochaic septenarii. Even in this case one may suspect that the glumness of the character was enhanced by his silence, and we may find here a slight analogy to the dignity or pathos ascribed to some of the long silences in Greek tragedy.

No such redeeming feature is found in two passages of the *Mostellaria*. At 566, Tranio abandons Theopropides and approaches the moneylender; at 575, Tranio draws the moneylender still farther away (*concede huc*). The dialogue, therefore, between the usurer and Tranio, carried on at times in a loud tone of voice, leaves Theopropides quite isolated, and only at 609a does the old man approach the other two (*calidum hoc est: etsi procul abest, urit male*). The adverb *procul* emphasizes his previous remoteness. His silence is not long, only during 49 iambic senarii, but the situation, in my opinion, makes it much more awkward than the long silences in the *Rudens*.⁴¹ Of greater interest and importance is a longer period of silence, again on the part of Theopropides, between 684 and 784, a passage of 101 verses, including a brief section of iambic senarii, a long lyrical passage of 57 verses, and 36 iambic senarii. The silence is broken, if at all, by verse 721a, which Leo excises. The remoteness of Theopropides during the interval is indicated clearly by a comparison of 683 (*ego hic tantisper dum exis opperiar foris*) with 795, in which Tranio, addressing Theopropides, says: *senex ipsus te ante ostium eccum opperitur*. It is probable that a stage manager faced a difficult problem in keeping Theopropides plausibly occupied during this long period of complete aloofness from the action.

⁴¹ The *angiportum* of *Most.* 1045-46 ran behind the stage and parallel to it, and was not available as a place of retirement for Theopropides during his silence; cf. Dalman, *op. cit.*, 86-97.

These two awkward silences in the *Mostellaria* are, I suspect, largely the result of the nature of the plot. The fragile character of Tranio's ghost story makes it imperative that Theopropides should remain constantly under Tranio's eye; any absence on the part of Theopropides might easily expose the intrigue prematurely. Tranio himself cannot venture to leave the scene of action. So, except for a brief interval at 529-41 and a longer interval at 858-903, Theopropides and Tranio are on stage together from 431 to 993. Furthermore, even if Theopropides could safely leave the scene, the plot is developed in such a way that it would be difficult to provide a reasonable motivation for his return. Quite possibly in other instances, in which the dramatic difficulties are not so apparent, a long silence may have been forced upon the dramatist because he could not deftly arrange either a departure or a return or both in the case of a character who, if left on the stage and silent, was thereby immediately available for subsequent dramatic action.

The long silences of supernumeraries, singly or in groups, may have accustomed the ancient audience to silent rôles, made even more stolid in the Greek performance by the use of masks. To Lucian's sense of humor these gawping statuesque figures suggested a type of irresponsible inertia. Similarly, Aristophanes found in silent actors a theme for his satirical humor. It does not follow that the spectator in ancient times, less keen-witted than Aristophanes or Lucian, was especially offended by long periods of silence in either case. At least in comedy such awkwardness as may appear from our modern standpoint is appreciably lessened by attendant circumstances when a silent actor is involved: (1) Usually the silent actor carries an unimportant rôle. (2) Usually he is an attentive listener. (3) Often there are other silent characters, supernumeraries or other actors, with whom in occasional byplay he may relieve the strain of silence. (4) As a matter of convention some traditional situations, such as a messenger's speech, or as a matter of *vraisemblance* banquet scenes, were not essentially impaired by silent auditors in the one case, or by silent participants in the other case. (5) The dramatic action, as in the *Rudens*, may be so exciting and strenuous that any silent actor or actors would fail to distract the audience from concentrated interest in the main action, especially if the number of audible and inaudible characters on stage is larger than usual.

The only serious cases of silent actors arise in periods of long silence in which the actor is wholly removed from the action and painfully aloof instead of an interested listener. Of such striking silences we have found only three examples; in one of these, *Men.* 752 ff., the silence may well have enhanced the dramatic effect of sullenness, and in the others, in the *Mostellaria*, peculiarities of plot structure may have forced upon the poet an unusual technique.

It is also worth noting that the *Rudens* and the *Miles* are marked by silences, two in each play, of relatively important rôles and of unusual length, and that in these cases there are more than three characters on stage. These two plays, in modern theory, are often regarded as examples of Plautine refurbishing of Greek material. It has not seemed wise to complicate an objective consideration of silent actors with the problem of distribution of rôles, with the rule of three speaking characters, or with modern theories of contamination and Plautine expansion, but for the present I call attention to the peculiarities of these two plays as well as to the unique features of the *Mostellaria*.

This charitable attitude toward silent rôles in comedy might lead students of the same phenomenon in Greek tragedy to a more careful analysis of the cases in that dramatic type. The mere listing of examples, largely from a quantitative standpoint, hardly conduces to intelligent conclusions. Doubtless there are not so many redeeming features in tragedy as in comedy, but the stimulus of Aristophanes' criticism may have provoked careless and exaggerated opinions regarding tragedy.⁴²

However unimportant the problem may be for students of Roman comedy, such an analysis as we have attempted may encourage the desirable habit of visualizing dramatic action. The difficulties and opportunities which are presented to an intelligent stage director are easily overlooked in the mere reading of printed texts.

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⁴² Dignan is concerned primarily with the silent actor in Aeschylus, and his analysis is properly limited to that poet; but the summary list of cases in Euripides (Dignan, *op. cit.*, pp. 36-38) calls for detailed study and critical examination of the scenes involved. Students of Greek tragedy are rightly interested in the relation of the silent actor to the distribution of rôles and to the development of the stage and theater, but there is a presumption of awkwardness in much of their discussion of silent rôles which might prove unsound if the scenes were sympathetically analyzed.

THE MURDER OF SLAVES IN ATTIC LAW

GLENN R. MORROW

IT WAS almost a commonplace among the ancient writers that the slaves at Athens enjoyed a peculiarly happy lot.¹ But to what extent was their position a matter of custom and to what extent a matter of legal right? There is no doubt that law as well as custom protected the slave in so far as he was regarded as a piece of property. But did the law of Athens also recognize the slave as a person, entitled in his own right to a certain protection from malicious injury to life and limb? The most recent general treatment of Athenian law, that of Kahrstedt,² does ample justice to the protection accorded by Athenian law to property in slaves. But Kahrstedt apparently thinks that, for Attic law, the slave was merely a valuable kind of property. The slave, he thinks, had no legal capacity whatever. The law allowed his master to take steps to protect him against injury by a third party and to recover damages when such injury had been caused. But it gave the slave no protection against his master: "die Strafgewalt des Herrn ist an sich unbegrenzt." Naturally the master's rights over his slave, like his other property rights, were sometimes limited by public law; but the purpose of such limitation was not the protection of the slave's person but the welfare of the state.

This is an extreme view which has at least the merit of consistency. The older interpretations are less consistent. Thus Busolt: "Der Sklave war daher im allgemeinen keine Rechtspersönlichkeit"; but "in Athen durfte kein Sklave ohne gerichtliches Urteil getötet werden."³ Obviously, if the law forbade putting a slave to death without judicial process, then the slave was not quite rightless nor altogether devoid of personality. Lipsius openly attributes inconsistency to Attic law. "Der Sklave hat keine Rechtspersönlichkeit; er ist nur Besitztum des

¹ Xen. *Const. of Athens* i. 10; Plato *Rep.* viii. 563b; Dem. *Phil.* iii. 3; Plautus *Stichus* 447-50; Aeschines *Timarchus* 54; Aristophanes *Eccles.* 721-22.

² U. Kahrstedt, *Staatsgebiet und Staatsangehörige in Athen* (Stuttgart-Berlin, 1934), pp. 133 ff., 139 ff., 321-27.

³ *Griechische Staatskunde* (Munich, 1920-26), pp. 273, 280, 281, 982.

Herrn"; consequently, the application of the law of ὕβρις to attacks upon slaves was an "Abfall vom Prinzip."⁴ And Beauchet, while asserting that, for Attic law, the slave was considered as only a thing susceptible of ownership and therefore without juristic personality, yet admits that "la loi ... reconnaissait ... sa personnalité par la protection qu'elle lui accordait contre certains attentats dirigés contre sa personne ou contre sa vie."⁵

It is necessary, if we would avoid hasty conclusions, to distinguish between legal principles and legal remedies. When we read, for example, in the Old Oligarch's description of the Athenian democracy that it was not permitted to strike a slave,⁶ we are given information (rather vague information, it is true) about a certain principle of Attic law; but we ought to know also what procedures are available for punishing violations of this principle before we draw the conclusion that Attic law was particularly humane. Likewise, when Antiphon tells us that the law forbade putting a slave to death without judicial process,⁷ we must remember that such a principle must have been inoperative unless there was also some legal device whereby the offender could be brought to trial and punished. If the remedy was lacking to make the principle effective, we can say only that the law recognized a certain interest as worthy of protection, not that the law protected that interest. Much of the diversity of opinion as to the attitude of Athenian law toward the slave can probably be traced to a failure to recall this distinction.

It is abundantly attested that the deliberate killing of a slave (whether by his own master or by anyone else) without judicial sentence was contrary to Attic law. For the late fifth century we have the clear testimony of Antiphon.⁸ The accusers of Euxitheus have put to death a slave whom they had previously purchased and put to the torture. Under torture the slave had denounced Euxitheus as the murderer of Herodes and confessed that he himself had assisted in disposing of the body. Euxitheus condemns them for having killed the

⁴ *Das attische Recht und Rechtsverfahren* (Leipzig, 1905-8), pp. 793-94.

⁵ *Histoire du droit privé de la République athénienne* (Paris, 1897), II, 423, 426, 428. Beauchet furthermore treats the slave law as part of the law of the family, whereas if the slave was considered merely a thing susceptible of ownership, the law of slavery should be a part of the law of property (cf. also p. 401).

⁶ Xen. *loc. cit.*

⁷ v. 47, 48.

⁸ *Ibid.*

slave on their own authority, without vote of the people. This, he says, is an illegal act; they have usurped the functions of judges and executioners. It is for the Athenian people to judge whether a man is to be put to death, and it is for the magistrates of the Athenians to execute the sentence. Now it is clear that Euxitheus is not reproaching his accusers merely for a breach of humanity;⁹ he is accusing them of violating their "ancestral laws." But is Antiphon perhaps exaggerating the humanity of Athenian law? At least we find a similar exaggeration, if exaggeration it is, in Isocrates. Remarking upon the arbitrary power of the ephors at Sparta, he asserts that "among the other Greeks" (and Athens is clearly in his mind) not even the most worthless slave can be put to death without trial (*ἀκρίτους μαιφονεῖν*).¹⁰ For a much earlier period we have Lycurgus' testimony that the ancient lawgivers (Draco?) "did not permit even the killer of a slave to get off with a fine."¹¹ And the epigraphic evidence indicates that the homicide laws of Draco applied to the murder of slaves as well as freemen.¹² Thus, from at least the seventh century onward, it seems to have been recognized by Attic law that the killing of a slave rendered a man liable to legal penalties.¹³

So much for the principle recognized by the law. What, now, were the methods by which violations of this principle were punished? Let us consider first the protection accorded the slave against assaults from persons other than his own master. In such cases his master, as his *κύριος*, could obviously bring an ordinary suit for damages (*δίκη βλάβης*) against anyone who had injured his slave or taken his life. Such a suit emphasized the property interests of the master and was

⁹ Despite Kahrestedt's dogmatic assertion (pp. 325-26): "Der Redner kann nicht sagen, dass die Tötung des Sklaven verboten war." But this is exactly what the speaker does say. Besides the mention of the *πάτριοι νόμοι*, note: *ἡ ψῆφος ἴσον δύναται τῷ δούλῳ ἀποκτείναντι καὶ τῷ ἐλεύθερον* (48). The *ψῆφος* refers to judicial procedure; cf. *οὔτε τῇ πόλει ψηφισαμένης* (47) and *ψῆφος περὶ αὐτοῦ γενέσθαι* (48).

¹⁰ *Panath.* 181.

¹¹ *Isocrates* 65.

¹² Dareste, Haussoulier, and Reinach, *Recueil des inscriptions juridiques grecques*, II, 4, 5, 8: *κατὰ ταῦτα φόνου δίκας εἶναι δούλον κτείναντι ἢ ἐλεύθερον*.

¹³ Cf. also Euripides *Hecuba* 291-92 (cited below, p. 225). In Roman law, on the contrary, the master's power over his slave remained absolute until the time of the Antonines, when it was made illegal for a master to put his slave to death without cause (*Gaius Inst.* i. 53). Gaius even regards this unlimited *potestas* of the master as a part of the *jus gentium*: "nam apud omnes peraeque gentes animadvertere possumus, in servos vitae necisque potestatem esse" (i. 52).

hardly a device for protecting the slave's person as such. More significant was the master's right to bring a *δίκη φονική* against the offender. The right of the master to prosecute the murderer of one of his slaves was asserted in the law of Draco still in force in the fourth century.¹⁴ Now the *δίκη φόνου* was not a suit for damages, but a demand for the punishment of one who had shed blood. The fact that it was permitted against the killer of a slave shows that the slave was regarded as a person to be protected in his own right. For the killing of an ox or a pig only a suit for damages would be allowed. Thus there was a very material legal difference between four-footed stock (*τετραπόδα*) and "human-footed stock" (*ἀνδράποδα*), as slaves were often called.

Such a *δίκη φόνου* against the killer of a slave would come for preliminary hearing before the king archon and then be assigned to the Court of the Ephetae sitting at the Palladium.¹⁵ This court, Aristotle tells us, had jurisdiction over unintentional homicide, conspiracy, and the killing of a slave, a metic, or a foreigner. What the penalty would be we can not precisely determine. The fact that such a case came before the Palladium instead of before the Areopagus suggests that the penalty would be less severe than the death sentence imposed by the Areopagus. There is a tradition that Attic law imposed the penalty of death for the murder of a citizen, exile for the murder of a metic.¹⁶ We also know that the unintentional killing of a citizen was punished with exile.¹⁷ This suggests that for all the homicides over which the Palladium had jurisdiction the penalty of exile could be imposed. Whether it would always be imposed is another matter. The passage cited above from Lysurgus, asserting that the ancient legislators punished the murder of a slave with more than a fine, seems to set the lower limit of the punishment that would be imposed by the Palladium. That it was something more than a puni-

¹⁴ Dem. xlvii. 72: *κελεύει γὰρ ὁ νόμος τοὺς προσήκοντας ἐπεξείναι μέχρι ἀνεφιαδῶν, καὶ ἐν τῷ ὄρκῳ ἐπερωτᾶν, τί προσήκων ἐστί, κἂν οἰκέτης ᾖ, τούτων τὰς ἐπισκῆψεις εἶναι*. Pollux (viii. 118) is almost verbally identical with the foregoing. Antiphon v. 48: *εἴπερ γὰρ . . . ἔξεστι . . . τῷ δεσπότη, ἂν δοκῇ, ἐπεξελθεῖν ὑπὲρ τοῦ δούλου, κτλ.*

¹⁵ Aristotle *Const. of Ath.* lvii. 3; Isocrates xviii. 52; Dem. xlvii. 69, 70; Aeschines *Schol.* ii. 87.

¹⁶ Bekker, *Anecdota*, I, 194, 11; cf. also Dem. xxiii. 88-89.

¹⁷ Lipsius, pp. 609 ff.; Dem. xxiii. 72.

tive fine, something less than death—this is about all we can infer as to the penalty for murdering a slave.

How much protection the *δίκη φόνου* afforded the slave may be questioned. It rested with the master and the other legally competent members of the family to bring suit; and if they preferred to let the matter drop, or bring only a suit for recovery of damages, there was no other person competent to bring action to avenge the slave's murder. For Attic law regarded murder and bodily injuries as private wrongs, and action against an offender had to be initiated by the injured party or (in the case of murder) by one of his relatives.¹⁸ Formally, of course, the slave's position was no different from that of any other member of the family; but actually there would probably be less inclination to press prosecution for the murder of a slave than for the murder of a kinsman.

Another type of suit was available for punishing attacks upon the person of slaves—the *γραφή ὕβρεως*. The text of the famous "law of ὕβρις" is given by Demosthenes: "If anyone commit ὕβρις against any child, woman, or man, slave or free, or do anything to them contrary to law, let any qualified Athenian bring a *γραφή* against him before the Thesmothetae."¹⁹ Attempts to show that this text of the law is spurious have not succeeded.²⁰ The application of the law to attacks upon slaves is further confirmed by Athenaeus, who cites as his authorities not only Demosthenes (as above) but Hyperides and Lycurgus in orations that have been lost.²¹

Formally, this suit is distinguished from the foregoing ones by the

¹⁸ This limitation of the *δίκη φόνου* is clearly brought out in Dem. xlvii. 55 ff., 68–73. An old nurse, once a slave of the speaker's father but later a freedwoman living in his house, had died of wounds inflicted upon her by Euergus and Mnesibulus, who had broken into the speaker's house during his absence. The speaker took the case to the Exegetes for advice. They told him the law did not permit him to prosecute, for the victim was neither a member of his family nor his slave (οὐ γάρ ἐστιν ἐν γένει σοι ἢ ἀνθρώπος οὐδὲ θεράπαινα). It is clear that the action contemplated was a *δίκη φόνου*, which would come before the king archon (cf. πρὸς τὸν βασιλέα μὴ λαγχάνειν) and then be sent to the Palladium for trial (cf. εἰ διομεί ἐπὶ παλλαδίῳ). The speaker also reports that the decision of the Exegetes as to the law (τὰ νόμιμα) was confirmed by his own examination of the stele on which the Draconian laws were inscribed.

¹⁹ xxi. 47: ἐάν τις ὕβριν εἰς τινα, ἢ παῖδα ἢ γυναῖκα ἢ ἄνδρα, τῶν ἐλευθέρων ἢ τῶν δούλων, ἢ παράνομόν τι ποιῇ εἰς τούτων τινά, γραφέσθω πρὸς τοὺς θεσμοθέτας ὁ βουλόμενος Ἀθηναίων οἷς ἔξεστιν.

²⁰ Lipsius, p. 422 n.

²¹ vi. 266 f.; cf. also Aeschines *Tim.* 15.

fact that it could be brought by any citizen and was not restricted to the injured person or his κύριος. Thus, if an indifferent master failed to bring suit to punish a person guilty of ὕβρις against his slave, it was legally possible for some other qualified citizen to prosecute. But what was the precise nature of the offense?²² The law of ὕβρις given by Demosthenes seems bent on giving the γράφή ὕβρεως the widest possible application.²³ And the recorded cases of prosecution for ὕβρις in Attic law show a very great variety. It would seem that any attack upon the person or the interests of the person could furnish the substance of such a prosecution; as Partsch puts it, "der Hybrisbegriff schützte schlechthin die Interessensphären des einzelnen."²⁴ But ὕβρις was not merely the legal genus of which φόνος, αἰκία, τραῦμα are species; for, as Lipsius has shown, the essence of an act of ὕβρις was its insulting or degrading character, not the physical or other injury it caused. Since Demosthenes says that ὕβρις is "a kind of action than which there is nothing more to be abhorred or more deserving of anger,"²⁵ we cannot go far wrong in looking upon the law not merely as a protection of the interests of the individual but also as an assertion of the dignity of the person and of the respect due to the person of another.²⁶

We can readily understand, therefore, why the orators of the fourth century sometimes felt it to be anomalous that the law of ὕβρις should apply to attacks upon slaves. For what honor has a slave to lose? It is clear that popular thought was inclined to think of ὕβρις as primarily an attack upon a free person. Thus Midias, in defending himself against the suit brought by Demosthenes, apparently contended that he should be charged with ὕβρις, not ἀσέβεια, because he had struck a freeman.²⁷ Aristotle gives this definition of ὕβρις in the *Rhetoric*, adding only that the attack must be unprovoked.²⁸

²² Cf. Lipsius, pp. 421-28; L. Gernet, *Recherches sur le développement de la pensée juridique et morale en Grèce*, pp. 183-97.

²³ The two clauses ἐάν τις ὕβριση and παράνομον τι ποιήσῃ are found elsewhere in conjunction; cf. Dem. xliii. 75.

²⁴ *Archiv für Papyrusforschung*, VI, 62.

²⁵ xxi. 46.

²⁶ Cf. also Aristotle *Pol.* v. 1311a. 30 ff.; *Rhet.* i. 1374a. 13; Dem. xxi. 72.

²⁷ Dem. xxi, Hyp. 3.

²⁸ ii. 1402a. 2. The conspirators in Dem. liii. 16 would probably not have thought of bringing a charge of ὕβρις if they had caught their opponent striking a slave child.

Yet the law recognized *ὑβρις* against slaves as well as against freemen, and the orators gave various explanations of what seemed an anomaly. Demosthenes argued that one should consider not the person of the injured but the reprehensible character of the injury.²⁹ And Aeschines explained that the intention of the lawgiver was not so much to protect the slave as to habituate the citizen to the kind of mutual self-respect necessary in a democracy. "For whoever commits *ὑβρις* at all, against any person of whatever degree, is not fit to be a fellow-citizen in a democracy."³⁰ Both these explanations, it will be observed, explain the anomaly only by admitting that *ὑβρις* had the wider meaning which seemed so puzzling. There could be no better evidence that the wider meaning was really alive in the fourth century. This conclusion is confirmed by a passage in which Plato, aristocrat that he was and little disposed toward lessening the distinction between slave and freeman, warns his citizens to refrain from *ὑβρις* toward slaves (*μῆτε τινὰ ὑβριν ὑβρίζειν εἰς τοὺς οἰκέτας*), "for a genuine and unfeigned reverence for justice and hatred of injustice show themselves best in dealings with persons toward whom it is easy to be unjust."³¹

Attic law, then, in making the concept of *ὑβρις* cover attacks upon slaves as well as upon freemen recognized that a certain respect was due to the person of the slave despite (or perhaps because of) his weaker position. We must remember also the powerful religious emotions implicated in the horror of *ὑβρις*. Gernet contends that the public sense of *ὑβρις* was purest and most intense when an outrage had been committed upon an individual at a religious ceremony.³² The prohibition of *ὑβρις* against slaves was therefore an acceptance of the slave as a member of the religious community. The religious community was manifestly broader than the political, as other Athenian customs bear witness. Although slaves were excluded from the assembly and from the gymnasia and palaestrae, where the citizens

²⁹ *xxi*. 46.

³⁰ *Tim.* 17.

³¹ *Laws* vi. 777d. The contention that *ὑβρις* δι' ἀσχεποσύνης was the only kind of *ὑβρις* toward a slave that was indictable in Attic law is without foundation, as Lipsius has shown (p. 427).

³² *Op. cit.*, pp. 189 ff. Thus the gravity of the offense of Midias consisted not merely in its being a degrading attack on Demosthenes, but also in its having occurred at the Dionysia.

came together, yet they were ordinarily admitted to religious ceremonies and public sacrifices. Slaves could be members of *θίασοι* or religious brotherhoods, along with freemen; and those of Greek blood could even be initiated into the Eleusinian mysteries.³³ Thus, before the religious sentiments, the distinction between slave and freeman disappeared.

But how effective was this law in protecting the slave against injury to his person? The *γραφὴ ὕβρεως* would come before the junior archons (the *θεσμοθέται*) for preliminary hearing and then be passed on to one of the heliastic courts. In the case of *ὕβρις* it appears that the court had power to fix the penalty to be imposed upon a person found guilty, whereas in other cases it had to choose between the penalty proposed by the prosecution and that proposed by the defense.³⁴ The court seems to have been empowered to impose any penalty it pleased, from a fine to death.³⁵ But would the death penalty ever be imposed for *ὕβρις* against a slave? However improbable this might seem, it is unequivocally affirmed by Demosthenes, who says that many Athenians had been punished with death for *ὕβρις* against slaves.³⁶ We must allow for rhetorical exaggeration, but clearly such language would have had no effect upon an intelligent Athenian audience if there had not been some cases of the sort Demosthenes mentions. Other evidence is not lacking. We hear of a certain Themistius of the Attic deme of Ophidna who was put to death for assaulting a Rhodian harp-player at an Eleusinian festival.³⁷ In all likelihood this maiden was a slave, as Gernet thinks; in any case she was a foreigner, and the condemnation of Themistius shows how seriously the offense of *ὕβρις* against a weaker person in the community could be regarded.

The heliastic courts were usually large enough to constitute a representative cross-section of the citizen-body; and the lack of any

³³ For the references see Beauchet, II, 424. The exclusion of slaves from the Thesmophoria seems to have been unusual.

³⁴ So Lipsius (p. 428) interprets the *τιμᾶτω . . . παραχρῆμα* of the law cited by Demosthenes.

³⁵ Cf. the words of the law in Dem. xxi. 47: *ὅπου ἂν δοκῇ ἄξιος εἶναι παθεῖν ἢ ἀποτεῖσθαι*, and the fragment of Lysias (*apud* Photion, s.v. *ὕβρις*): *τίς οὐκ οἶδεν ὅτι τὴν αἰκίαν χρημάτων ἐστὶ μόνον τιμῆσαι, τοὺς δ' ὕβριζεὺν δόξαντας ἔξεσθιν ὑμῖν θανάτῳ ζημοῦν*.

³⁶ xxi. 49.

³⁷ Dinarchus *Demosthenes* 23.

sense of the binding power of precedent left the court free in any particular case to pass judgment in accordance with the prevailing sentiments of what was right and fitting. These courts must have been more than ordinarily sensitive to public opinion when dealing with cases of *ὑβρις*. The legal nature of the offense was not clearly defined and gave scope for great latitude of interpretation. Under such circumstances it is evident that the real protection afforded the slave by the law of *ὑβρις* would depend upon the prevailing opinion as to what was proper in the treatment of slaves. The *γραφὴ ὑβρεως* could be a powerful instrument for discouraging any kind of maltreatment that the popular sense of right condemned; but when public opinion was callous and unconcerned, it probably was of little real efficacy.

The protective effect of the *γραφὴ ὑβρεως* would also be limited by the fact that to bring a suit of this sort involved a certain risk to the prosecutor. If he failed to receive a fifth of the votes of the court, he was subject to a fine of a thousand drachmae, and having once begun proceedings he could not withdraw without incurring the same penalty.³⁸ This is doubtless why, in the case described in the oration against Euergus and Mnesibulus, the speaker did not bring a suit for *ὑβρις* against the murderers of the old freedwoman. Such an action would clearly lie against them, but the speaker evidently thought it too great a risk, especially as the only witnesses he could produce to establish the fact of *ὑβρις* were his wife and children. Demosthenes' oration against Conon shows how a citizen who had himself been outraged might prefer to proceed by way of the *δίκη αἰκίας* rather than by the riskier *γραφὴ ὑβρεως*.

Besides prosecution for homicide and for *ὑβρις*, to which the killer of a slave rendered himself liable, there were also certain ritual obligations laid upon him, and failure to discharge these could make him liable to legal penalties. The Greeks regarded homicide as an offense against the gods, involving religious pollution, and a slayer was required to undergo ritual purification. A passage in Antiphon informs us that the killing of a slave came under this general rule of purification. "Even when a man has killed one of his slaves and there is no one to prosecute him, he purifies himself and observes the abstinences

³⁸ Dem. xxi. 47.

mentioned in the law, because he respects what is customary and holy."³⁹ A similar requirement of purification for the killing of a slave, even when no other penalty is incurred, appears in Platonic law.⁴⁰ It is not necessary to go into the details of this ritual purification.⁴¹ Antiphon's reference to the "abstinences" refers to the requirement that, until he is purified, the shedder of blood must absent himself from certain public and sacred places, in order not to spread his pollution. The first step in a prosecution for homicide was to make a public proclamation (*πρόρρησις*) warning the guilty person or persons to stay away from the forbidden places. The "law" governing these ritual requirements seems to have been a matter of religious tradition, probably very intricate and detailed, the interpretation of which was left to the Exegetes.⁴² Doubtless the prescriptions of this law varied according to the degree of defilement, since Plato speaks of "greater" and "lesser" purifications.⁴³ The important fact for our present purpose is that the observance of these ritual requirements was not left to the conscience of the slayer. Plato provides that, when a homicide fails to observe the rule of purification, both he and the slain man's next of kin shall be liable to a charge of impiety (*γραφὴ ἀσεβείας*).⁴⁴ Such a charge could be initiated by anyone, as Plato explicitly says, and not merely by a kinsman of the slain man. In Attic law we know that a *γραφὴ ἀσεβείας* could be brought against a delinquent kinsman for failure to prosecute,⁴⁵ and under certain circumstances against a homicide himself for entering the Agora and the temples unpurified.⁴⁶ We know, also, that an *ἐνδειξις ἀσεβείας* was brought against Andocides for visiting the temples and mysteries while under sentence of exclusion from them.⁴⁷ It appears, then, that the ritual purification

³⁹ vi. 4: τοσαύτην γὰρ ἀνάγκην ὁ νόμος ἔχει, ὥστε καὶ ἂν τις κτείνῃ τινὰ ὧν αὐτὸς κρατεῖ καὶ μὴ ἔστιν ὁ τιμωρήσων τὸ νομιζόμενον καὶ τὸ θεῖον δεδιώς ἀγνέει τε αὐτὸν καὶ ἀφίξεται ὧν εἴρηται ἐν τῷ νόμῳ.

⁴⁰ *Laws* ix. 865cd, 868a.

⁴¹ See H. J. Treiston, *Poine*, pp. 149 ff.

⁴² Note Antiphon's reference to "the law" and Plato's mention of "the law brought from Delphi" (ix. 865b) and of the Exegetes who are to have authority over the purifications (ix. 865d). The *πρόρρησις*, specifically mentioning the places the slayer is not to visit, occurs frequently in Plato's law of homicide (ix. 868a, 871a, 873b).

⁴³ *Laws* ix. 865c.

⁴⁴ *Ibid.*, 868b, 871b; cf. 868de. That the suit is a *γραφὴ* is shown by ὁ βουλόμενος and τῷ ἐθέλοντι.

⁴⁵ Dem. xxii. 2. ⁴⁶ *Ibid.* xxiii. 80, 81; Treiston, pp. 260 and 261. ⁴⁷ Andocides i.

required of a homicide was not merely a penalty sanctioned by religious sentiments, but one capable also of being enforced by the city's courts. Thus the killing of a slave, though not exposing a man directly to legal consequences, might do so indirectly through his failure to observe the ritual requirements. And it hardly needs to be pointed out that the application of this rule of purification to the shedding of slave blood clearly sets the slave apart from all other species of property. It is a recognition of his membership in the civic and religious community, since his blood cannot be shed without bringing down the anger of the gods upon the community that neglects to punish it.

Thus far we have considered the protection that Attic law afforded the slave through remedies which the slave's master could make use of to punish an offender. But what legal protection had the slave against a cruel master? More particularly, was there any legal way of punishing a master who had murdered his own slave?

We have seen that an action for murder, according to the law of Draco still in force in the fourth century, could be brought by any person within a prescribed degree of relationship to the slain man, or by a master on behalf of his slave. This would seem to imply that the *δίκη φόνου* could not be brought against a master for the murder of a slave, not because his act was a lawful one, but because there was no person competent to prosecute. This inference is nevertheless not quite correct. What we should infer is, I think, that no person outside the family could bring action against the murderer; for it is possible that another member of the family had the right to prosecute.

A case of this sort occurs in Plato's *Euthyphro*. This case may, of course, be altogether fictitious, but we can certainly learn much from it about Athenian practice. Euthyphro is bringing a *δίκη φόνου* against his father for the murder of a *πελάτης* on their estate in Naxos. The *πελάτης* had slain one of the domestic slaves in a drunken quarrel, and Euthyphro's father had seized him, bound him hand and foot, and thrown him into a ditch, where he let him lie while he sent a messenger to Athens for advice from the Exegetes as to what should be done. The arrested man died of hunger and exposure before the messenger returned, and Euthyphro thereupon brought action against his father for murder. When we hear about the case in Plato's dia-

logue, it is still in its preliminary stages (i.e., before the king archon) and has not yet come before the Palladium. We do not know whether, if Plato's story is historical, this case was eventually allowed. Euthyphro was evidently something of a religious fanatic, and it is possible that the king archon later quashed the indictment. But whether or not this particular suit ever came to trial, the text shows that a *δίκη φόρου* could be brought by one member of the family against another. When Euthyphro says that he is prosecuting his father for murder, Socrates is amazed and then adds, "Why, then the person your father killed must be one of your own kinsmen [*τῶν οἰκείων* *τις*]!"⁴⁸ Euthyphro goes on to say that his father and other relatives think it an impious thing (*ἀνόσιον*) for him to prosecute his father for murder. They do not say, however, that it is contrary to law. The use of the *δίκη φόρου* against a kinsman is permitted (nay, even encouraged) in Platonic law,⁴⁹ and there is good reason to think that Plato's law of homicide is in general a faithful reflection of Attic law. It is fair to conclude, I think, that such an action as Euthyphro is bringing was most unusual, but allowable, provided that the slain man was one for whom Euthyphro had a right to bring action.⁵⁰ This raises the question whether the *πελάτης* was a freeman or a slave. The highhanded way in which Euthyphro's father arrested and bound him suggests that he was (or was thought by Euthyphro's father to be) a slave. But according to Pollux the word *πελάτης* denoted a freeman who through poverty had lapsed into virtual slavery.⁵¹ This was the condition of the small farmers in Attica before Solon's reforms, and Aristotle calls them *πελάται*.⁵² Doubtless the legal status of the *πελάται* on the Athenian estates in Naxos was not clearly defined, and this is why Euthyphro's father sent to the Exegetes for advice. Unless we suppose Euthyphro to have been extraordinarily ignorant of the law, there must have been a presumption that the man was a slave, and therefore good reason to think the king archon would recognize Euthyphro's right to bring suit against his murderer. The

⁴⁸ *Euthyphro* 4b.

⁴⁹ *Laws* ix. 871b, compared with 873b.

⁵⁰ See Treston, pp. 233 ff. (esp. p. 237) for evidence that kin-slavery was actionable at Attic law. But Treston does not bring out the implications of this fact for the slave-members of the family.

⁵¹ iii. 82.

⁵² *Const. of Ath.* ii. 2.

weakness of Euthyphro's case, then, did not lie in the fact that he was prosecuting his father for murder, but in the fact that he was prosecuting for the murder of someone who was not clearly an *οἰκέλος*. If the dead man had been a *δοῦλος*, there could hardly have been any doubt of Euthyphro's right to bring suit.

This, however, was the only way in which a *δίκη φόνου* could be brought against a master for the killing of his slave. No person outside the family could institute such a suit.⁵³ But there were certain forms of public prosecution that could be used to bring a cruel master to justice. We have already seen that a *γραφὴ ἀσεβείας* could be brought against a delinquent kinsman who had failed to prosecute for murder, and it is probable that such a public suit could also be—though probably rarely was—brought for failure to prosecute for the murder of a slave. Besides this there was the suit for *ὑβρις*. The possibility that a *γραφὴ ὑβρεως* would lie against a master who had abused his slave is usually overlooked, when it is not expressly denied. Busolt mentions this form of prosecution only as a protection to the slave against mistreatment *durch Fremde*, the italics in his text showing that he is deliberately and emphatically limiting its application.⁵⁴ Lipsius maintains that a master who had murdered his own slave would be required only to observe the religious rule of purification.⁵⁵ This statement is based quite inadequately upon a passage from Antiphon already quoted.⁵⁶ This passage does not say that a master who has killed his slave will be in no danger of prosecution, but only that, even if he is not prosecuted, he will still observe the law of purification. On general grounds, if *ὑβρις* was an offense of such importance as to be actionable by means of a *γραφὴ*, it hardly seems that masters could commit *ὑβρις* with impunity. Plato's injunction to avoid *ὑβρις* toward slaves was addressed to masters, as the context shows. Furthermore, as Gernet points out,⁵⁷ the Greek sense of *ὑβρις* was particularly marked when the injured party had the status of a weaker person re-

⁵³ Isocrates xviii. 52 has sometimes been interpreted as showing that a *δίκη φόνου* could be brought against a master by someone outside the family. But Isocrates does not say to whom the slave belonged. It is probable that she belonged, not to Cratinus, the defendant, but to Callimachus, the prosecutor, which would bring this case into line with what is elsewhere the universal rule of procedure.

⁵⁴ *Op. cit.*, p. 983.

⁵⁵ See above, n. 39.

⁵⁶ *Op. cit.*, pp. 605 and 794.

⁵⁷ *Op. cit.*, p. 194.

quiring protection. The use of the *γραφὴ ὕβρεως* against a cruel master would be analogous to other devices in Attic law for punishing abuses of power by those in a legally privileged position, such as the public prosecutions of guardians for abuse or neglect of orphans (the *γραφαὶ κακώσεως ὀρφανῶν, κακώσεως ἐπικλήρου, οἴκου ὀρφανικοῦ*).

Apart from these considerations, there was a very practical reason why some form of public prosecution should have been available to restrain the power of a master over his slave. Athenian judicial procedure made considerable use of slaves. A slave could lodge information with a magistrate on which prosecution against a free person, his master or anyone else, could be based.⁵⁸ Slaves were even encouraged to give such information by the inducement of emancipation, which shows the importance the Athenians attached to this function of the slave. The position of the slave in the family obviously gave him access to information not easily obtainable in any other way. Lysias tells us that the master whose slave knows of some crime he has committed is the unhappiest of men.⁵⁹ What was to restrain a master from making away with a slave that knew too much? Plato in the *Laws* provides explicitly that a master who has murdered his slave for fear that he will give information to the officials is to be prosecuted "as if he had murdered a citizen," and elsewhere enjoins the magistrates to see to it that no one takes revenge on a slave informer.⁶⁰ Similar remedies could hardly have been lacking in Attic law. Thus I think it is safe to infer that a master could be proceeded against, not only indirectly, through the *γραφὴ ἀσεβείας* brought against a kinsman who had failed to prosecute him, but also directly, through the *γραφὴ ὕβρεως*. Until some shred of evidence to the contrary is produced, this inference should be allowed to stand.

Thus far the legal remedies we have considered have been such as the slave himself could not employ, since the slave had no right to bring suit in the courts. Was there any action which the slave himself

⁵⁸ Bonner, *Evidence in Athenian Courts*, p. 39. Kahrstedt's view (*op. cit.*, p. 324) that slaves did not ordinarily possess the right of *μήνυσις*, but only on special occasions as a result of a specific decree of the assembly, seems to be based entirely on a questionable interpretation of Thuc. vi. 27. The decree was not a grant of the right of *μήνυσις*, but a grant of immunity to informers who might otherwise incriminate themselves.

⁵⁹ vii. 16.

⁶⁰ ix. 872c; xi. 932d.

could take to protect his life or his person? It is possible that a slave could, by lodging information with a magistrate, be instrumental in initiating a suit for *ὑβρις* against his master. We do not know whether the slave had a right to defend himself against a murderous attack from a freeman. Plato provides that a slave who kills a freeman in self-defense is to be put to death;⁶¹ but Plato's slave law is noticeably harsher than Attic law and is not a safe guide here. The only procedure we know of, which the slave could invoke for his own protection was to claim the right of asylum. The Theseum, near the Agora, and the altar of the Eumenides on the Acropolis, were sanctuaries in which the slave could take refuge from a cruel master. He could even demand to be sold to another master, though there seems to have been no legal way of enforcing this demand. But if the priest of the sanctuary granted asylum, the master could not regain possession of the slave by any legal method, and he would probably find that selling his slave was the best way out of a profitless situation.⁶²

We have now surveyed the remedies that Attic law provided for the protection of the slave. It is clear enough that these remedies fell far short of affording the same degree of protection to the slave as to the freeman. This came about from a combination of two factors: the rule of Attic law that permitted only free persons to bring suit in the courts,⁶³ and the rule that murder and other bodily injuries, being private wrongs, could be redressed only by private prosecution brought by a kinsman or by the *κύριος* of the victim. Since the slave's kinsmen (if, in fact, he had any in the city) would probably themselves be slaves and hence without competence to prosecute, the murderer of a slave could be brought to justice only if the slave's master or (in a case of *ὑβρις*) some other public-spirited person saw fit to prosecute. This explains the situation described in Antiphon's *Herodes*. Here a slave has been put to death by his owners—an action clearly criminal in character. But the offenders have not been prosecuted, and there is apparently not much likelihood that they will be. They could not be indicted for *φόνος*, since they were the slave's

⁶¹ ix. 869ab, d.

⁶² Cf. Beauchet, II, 437 ff.

⁶³ Of course not all free persons could bring suit. Women and children were almost completely incompetent; metics and citizens suffering from *ἀτιμία* possessed limited legal capacity.

κύριοι; and no one was sufficiently interested or sufficiently courageous to risk the *γραφὴ ὕβρεως*, since it would probably have been very difficult to establish the facts in the case. Under a system of law which recognizes murder as a public offense and the apprehension and punishment of the murderer as a duty of the public officials, such a situation could not easily arise.

But although, as a result of this peculiarity of Attic procedure, the murderer of a slave could often escape without punishment, and although the slave possessed no power of taking legal action to protect himself or a fellow-slave, yet it would be a gross error to conclude that the slave was rightless, even against his master. Plato in the *Gorgias* characterizes a slave as one "who, when he is injured or reviled, is without power to help himself or anyone else for whom he cares."⁶⁴ If this is to be taken literally as expressing Attic law without rhetorical exaggeration, it means that the slave was absolutely devoid of active legal capacity; it would imply also, I think, that the slave had no right of self-defense. But it does not say that anyone (even the master) may do what he pleases to a slave with impunity, as Kahrstedt supposes.⁶⁵ To say that the slave has no power of legal action is not to say that he has no rights before the law. A right exists wherever there is a correlative duty, and Attic law clearly imposed duties upon masters and other freemen with respect to slaves.

In his *Hecuba*⁶⁶ Euripides pictures the captive Trojan queen pleading with Odysseus for her own life and the life of the other captive women, who of course had become the slaves of the victorious Greeks:

νόμος δ' ἐν ὑμῖν τοῖς τ' ἐλευθέροις ἴσος
καὶ τοῖσι δούλοις αἵματος κέῖται πέρι.

Euripides, an Athenian writing for an Athenian audience, was probably attributing to all Greek law the characteristics of the law most familiar to him and his hearers. What is meant by this "equal law of blood for slave and free"? Clearly what *Hecuba* intends to say is that the killing of a slave without judicial procedure is a violation of law and exposes the slayer to penalties. We cannot infer that the

⁶⁴ 483b: ἀνδραπόδου . . . ὅστις ἀδικούμενος καὶ προπηλακίζόμενος μὴ οἷός τε ἐστὶν αὐτὸς αὐτῷ βοηθεῖν μηδὲ ἄλλω οὐδ' ἂν κήσεται.

⁶⁵ *Op. cit.*, p. 326.

⁶⁶ Ll. 291-92.

same penalty is imposed in the two cases, or that there is an equal likelihood that the killer will be brought to justice.

How ancient is this law of which Euripides boasts? It is clearly not the creation of the humanitarian and equalitarian movement of the classical period. Both the law of *φόνος* and the law of *ὑβρις* are demonstrably old. The homicide laws were the oldest section of Athenian legislation, having been in force since at least the time of Solon. The tradition was that Solon took them over from the legislation of Draco.⁶⁷ Lycurgus' reference to the ancient legislators and the severity of the penalties prescribed for the murder of a slave, Antiphon's mention of the "ancestral laws," and above all the religious defilement attached to the murder of a slave, show that the protection of the slave's life was an ancient feature of Attic law.⁶⁸ As for the law of *ὑβρις* cited by Demosthenes, there are good reasons for believing that it also is at least as old as Solon. The strangeness (to the fourth-century popular thought) of its provision protecting slaves; the term *ὑβρις* itself, so ancient and so difficult to make legally precise; its close associations with the religious sentiments—all this is good evidence of the antiquity of the law. We should naturally expect that the recognition of the slave's personality and his membership in the community would more easily arise at a time when (as in seventh-century Attica) most of the slaves were of Greek blood, and were used for domestic purposes, than in the more commercial and industrial age that followed, when the slaves in Athens were predominantly of barbarian origin.

If, then, the recognition of the slave's personality and his right to protection is such an ancient feature of Attic law, it is hard to acquiesce in the dogma that the slave was essentially and primarily a piece of property. Even in the later period the power of a master over his slaves is generally regarded as a form of "rule," like the rule of a father over his children, or a king over his subjects. The master is *ὁ δεσπότης*, not merely *ὁ κεκτημένος*; and the slaves are the subjects *ὧν κρατεῖ*, as well as *ἀνδράποδα* which he owns. The Aristotelian doctrine that the slave is an animated tool (*κτῆμα ἐμψυχον*) seems to have

⁶⁷ Arist. *Const. of Ath.* vii. 1.

⁶⁸ Treston (p. 134) maintains that the doctrine of pollution came in in the seventh century.

been a sophisticated product of the fourth century. But even in Aristotle the older view is evident, not only in his constant use of the term *δεσπότης* for slaveowner, but most strikingly in the distinction he draws in the first book of the *Politics* between the various kinds of rule, of which the rule of master over slaves is one. And in the fifth book of the *Nicomachean Ethics* we find him listing various species of justice corresponding to these types of rule.⁶⁹ No doubt there was a tendency in later Attic law, as in Roman law and in most modern systems, for the law of property to override the law of persons, and for power over slaves to be looked upon as a "by-product of ownership."⁷⁰ But just as the Greeks never permitted the rule of the father over his children to develop into anything like the *patria potestas* of Roman law, so the master's ownership of his slaves fell far short of the "right to use and abuse in the most absolute fashion" characteristic of the developed concept of property. It remained, as Aristotle's own usage testifies, a form of rule over subjects, not mere things; and a rule which was from quite early times limited in certain respects by religious requirements and by the law of the *πόλις*.

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⁶⁹ *Pol.* i. 1255b. 15 ff.; *Eth. Nic.* v. 1134b. 8 ff.; cf. also Plato's enumeration of the seven kinds of rule in *Laws* iii. 690b: *τέταρτον δ' αὐτὸ δούλους μὲν ἀρχεσθαι, δεσπότας δὲ ἄρχειν*.

⁷⁰ Kahrstedt notes that the respect for property in slaves increased during the classical period (*op. cit.*, p. 139).

ON THE CHRONOLOGY OF CICERO'S LETTERS TO ATTICUS, BOOK XIII

LILY ROSS TAYLOR

IT HAS long been realized that there is more confusion in the order of the letters of Books xii and xiii than in any other portion of the correspondence with Atticus. The problem of arranging the letters in chronological order is complicated by the fact that divisions between the letters of these two books are lacking in the manuscripts. O. E. Schmidt, in his penetrating study of the text, *Der Briefwechsel des M. Tullius Cicero* (Leipzig, 1893), established divisions between the letters and worked out a chronological order for the letters of Books xii and xiii which has been almost universally accepted.¹ But convincing as Schmidt usually is in his arguments for the chronology of Book xii and of those letters of Book xiii which were written before the Ides of July of 45 B.C.,² he has, I believe, assigned an incorrect date to xiii. 44. The redating of that letter makes it necessary to revise the dates of many of the letters written before Caesar's return early in September. It is the purpose of this paper to discuss the date

¹ C. F. W. Mueller in the Teubner text of the letters to Atticus (1898), Purser in the Oxford text (1903), Winstedt in the Loeb text (1918), and Tyrrell and Purser, *The Correspondence of Cicero*, Vol. V² (1915), accept Schmidt's dates for these two books with practically no variations except the omission in some cases of Schmidt's expressions of uncertainty. The dependence of editors on Schmidt is shown by the fact that Mueller, Winstedt, and Purser (in the Oxford text), following a misprint in Schmidt's text (p. 514), state that *Ad Att.* xiii. 26 was written at the *Tusculanum*. The text of the letter makes it clear that it was written at Astura—a fact of which Schmidt (pp. 282 and 426) was well aware. Sjögren accepts Schmidt's divisions of the letters of Book xii (*M. Tulli Ciceronis ad Atticum epistulae*, Fasc. III [1932]).

² On the dates and divisions of xii. 5, 6a, 10; xiii. 13–20 see Schiche, "Zu Ciceros Briefen," *Beilage zum Jahresbericht des Friedrichs-Werderschen Gymnasiums* (Berlin, 1905), and the review by Sternkopf, *Woch. Kl. Phil.*, XXIII (1906), col. 177 ff. On xii. 9 and 10 see n. 20 below. Schmidt's tentative suggestion (p. 312) that xiii. 6 is to be placed among the letters written at Astura in March of 45 is very doubtful. There is no proof that the *columarium* here referred to concerns the *fanum* to be built for Tullia. See Tyrrell and Purser (V, 17) who here, as often, reject Schmidt's interpretation without making a change in date. Atticus' inquiry for a copy of Cicero's letter to Brutus seems to be much later than that letter. If this part of xiii. 6 is not to be taken from its context among the letters of early June, there seems no adequate reason for following Schmidt in dividing xiii. 6.

of xiii. 44, and to attempt a chronological arrangement of the letters which belong to August of the year 45.

It will be necessary first to consider briefly the letters which immediately precede xiii. 44. Cicero had returned from Arpinum to his Tusculan villa on July 7, after having recast his *Academica* into four books dedicated to Varro. Atticus, who visited Cicero at the *Tusculanum* immediately after Cicero's return, saw the new manuscript (xiii. 23. 2). The details about the *Academica* are the most valuable guide in arranging the next letters. The first letter after Atticus' departure, 33a, probably written July 9, tells of Varro's unexpected visit and of a discussion of the proposed enlargement of the city—a matter about which Cicero had lately asked Atticus for information. In view of the news Cicero is hesitating about the purchase of the Scapulan gardens,³ for which he had planned to be in Rome on the Ides. Cicero is anxious not to inconvenience Brutus who is now in Rome and has written to say that Brutus' services will not be needed for the Ides. The following day (July 10 ?) Cicero writes the letter already referred to (23), in which again he expresses the hope of not inconveniencing Brutus who is about to take a long and unexpected journey⁴ (to join Caesar); it is easier, he says, for them to be together in Rome than at their Tusculan villas. The manuscript of the *Academica* is being corrected, and the presentation copy of the *De finibus* is being prepared for Brutus.

In the next letter (24, July 11 ?) Cicero says that Atticus now has the *Academica* which he is to present to Varro. In the following letter (25, July 12 ?) Cicero wishes news about Brutus' departure. He is himself planning to be in Rome on the fourteenth. The business for which he needs Brutus—something in connection with his will—can be postponed to another time. Cicero is still anxious about the presentation of the *Academica* to Varro and hopes that Atticus likes the dedicatory letter (*Ad fam.* ix. 8). On the following day (letters 35–36, July 13 ?) Cicero notes Atticus' promise to give the *Academica* to Varro as soon as Varro returns. Cicero speaks again of the plans for enlarging the city. He expresses appreciation of the praises of himself which Atticus has been hearing from Brutus. In the next letter

³ On the Scapulan gardens see Frank, *AJP*, L (1929), 184.

⁴ Brutus' journey is first mentioned about June 21 (*Ad Att.* xiii. 11. 2).

(43), dated certainly on July 14, Cicero thanks Atticus for a letter written *ab ludis* which leads to a two-day postponement of the journey to Rome planned for the fourteenth. Atticus must have written on the last day of the *ludi Apollinares*, July 13, the day devoted to circus games. It is the established date of this letter in relation to the projected journey to Rome on the fourteenth which makes it possible to fix with some probability the dates of all the letters of the previous week. Cicero presumably went to Rome on the sixteenth and remained there several days (cf. xiii. 33a. 4).

So far I have followed Schmidt's dating with no variations. We come now to the next letter in the collection, 44, of which I quote the first two sections:

O suavis tuas litteras! (etsi acerba pompa. Verum tamen scire omnia non acerbum est, vel de Cotta) populum vero praeclarum quod propter malum vicium ne Victoriae quidem ploditur! Brutus apud me fuit; quoi quidem valde placebat me aliquid ad Caesarem. Adnueram; sed pompa deterret. Tu tamen ausus es Varroni dare! Exspecto quid iudicet. Quando autem pelleget? De Attica probo. Est quiddam etiam animum levare cum spectatione tum etiam religionis opinione et fama.

Atticus, accompanied, it would seem, by his little daughter, has attended *ludi* and has seen the procession in which the image of Caesar appeared along with that of Victoria. Cicero is delighted that the people did not applaud. Brutus has just been at Cicero's house, obviously the Tusculan villa, and has exacted a promise that Cicero write to Caesar,⁵ but after the news of the *pompa* Cicero feels that he cannot write. Now that Varro has the *Academica*, Cicero is waiting eagerly to hear his opinion of it.

Schmidt (p. 329) rightly associates the *pompa* with the *ludi Victoriae Caesaris* celebrated July 20-30, the occasion on which, it would seem for the first time, Caesar's image accompanied by that of Victoria appeared in the circus procession with the images of the gods.⁶ But he is wrong in dating the circus procession on July 20, the first day of the *ludi*. In the great Roman *ludi* the earlier days were usually devoted to *ludi scaenici*, and the last day or days were reserved for

⁵ There is nothing in the letter to indicate that this was an "Abschiedsbesuch" as Schmidt (p. 331) and writers who have followed him (cf. Gelzer, *s.v.* "Iunius (Brutus)," *PW*, col. 986) call it.

⁶ Dio xliii. 45. 2. Cf. Cic. *Phil.* ii. 110; Suet. *Iul.* 76.

ludi circenses. As we know from the Maffeian and Pincian calendars, the circus games of the *ludi Victoriae Caesaris* took place on the last four days, July 27-30.⁷ Letter 44 must therefore be dated not, as Schmidt believes, on July 20 or 21 but between July 27 and 31. The most probable date is July 28, the day after the first circus games. Before letter 44 there seems to be a break of about two weeks in the correspondence with Atticus. There had been a delay of about the same length of time in the presentation of the *Academica* to Varro.

If letter 44 was written so late, we must revise the dating of the succeeding letters, and we must make a corresponding revision in our view of the events of the period. Brutus, who was at the *Tusculanum* about July 27, did not, as Schmidt believes,⁸ depart about July 20 to join Caesar. The letters which give news from Brutus in his absence (38, 39, 40) cannot be dated August 4-8 where Schmidt places them, for word could not have come so early of Brutus' *cotidianae adsiduaeque laudes* of Cicero. If Cicero was at his *Tusculanum* about the twenty-eighth, he could not have gone to Astura for a stay of some days on the twenty-fifth of July (21. 34). He certainly went there on the eighth day before the Kalends of some month during the summer of 45, and, since he was at Arpinum at the end of June, the only possible date is August 25. Letter 47a, written from Astura on the third day before the Kalends, must be assigned to the thirtieth not of July but of August. The only other letters absolutely fixed in the interval July 28-September 1 are 46 and 47 on August 12 and 13, and 51 on August 24, all three written at the *Tusculanum*. The problem now is to place the other letters in chronological order.

In the weeks after letter 44 was written Cicero was working on the *Tusculanae disputationes* and the *De natura deorum*. He also found time to write, or at least to complete, a *laudatio* of Cato's sister Porcia, who had recently died, and to compose—on the subject of Caesar's *Anticato*—a letter to Caesar which finally met the exacting demands

⁷ *CIL*, Vol. I, Part I (ed. 2), p. 322.

⁸ Pp. 338 ff.; 430 ff. Schmidt assumes that Brutus reached Cisalpine Gaul about July 26 and remained there with Caesar until about August 4, reaching Rome in company with young Quintus about August 9 or 10. Letters 39 and 41 certainly indicate that Brutus was returning with young Quintus, but we cannot be sure that he actually did. There is nothing in the letters of August to indicate the presence of Brutus, who had figured constantly in the letters of the preceding months.

of Oppius and Balbus. Until the twenty-fifth, when he went to Astura, Cicero spent most of the month of August at the *Tusculanum*, making a brief trip to Rome to consult with Atticus about the attitude to be adopted toward their common nephew, young Quintus. The letters to Atticus of the period have come down to us in an arrangement which, though not as a whole chronological, has preserved the correct order for certain sequences of letters. Thus 45, 46 (August 12), and 47 (August 13), which deal with the legacy of Cluvius, belong together; 38-41, which are concerned with young Quintus, were written in quick succession immediately before Cicero made a journey to Rome to consult further with Atticus on the attitude to be taken toward the young man; 49, 50, and 51 (August 24) which, together with two letters to Fadius Gallus (*Ad fam.* vii. 24 and 25), refer to Cicero's trouble with the Sardinian Tigellius, belong together in the period immediately following the journey to Rome and preceding the move to Astura on the twenty-fifth. Completely out of order are the three letters from Astura, 21, 34, and 47a, and two other letters, 37 and 48, the dating of which requires special discussion.

After letter 44, which I have dated about July 28, there seem to be no letters earlier than the three (45, 46, and 47) which deal with the legacy left to Cicero by Cluvius of Puteoli—an inheritance in which Balbus, perhaps as Caesar's agent, was concerned. Of these letters, 46 is dated on August 12, and 47 almost surely on the following day. No. 45, apparently written shortly before 46, gives us the information that Atticus had just left the *Tusculanum* after a visit which, since we seem to have no letters from the early part of August, may have lasted some days. After Atticus' departure Cicero has learned from Lamia that Caesar is expected before—perhaps considerably before—the *ludi Romani*, which at this time began on September 5.⁹ Cicero sees that his holidays have been increased; just how much he wishes Atticus to find out from Baebius and Egnatius, who apparently can give advance news about Caesar's movements. Cicero has thought of going to Puteoli (to see about Cluvius' legacy of which he has just heard) but has to stay to interest Dolabella in restoring Torquatus to

⁹ This was the original date of the beginning of the *ludi Romani*, to which one day (apparently September 4) was added soon after Caesar's death; see Mommsen, *CIL*, Vol. I, Part I (ed. 2), pp. 328 f.

Caesar's favor. There are details, reported by Lamia from Balbus, about the money left by Cluvius and the need of a speedy auction, and there is an expression of confidence in the banker Vestorius, Cicero's agent at Puteoli.

Letter 46, written on August 12, reports that Cicero's slave Pollex has arrived at Lanuvium. Cicero has gone to a villa near there to see Balbus with Lepta, who is anxious to be a curator of something,¹⁰ perhaps gladiatorial games or banquets which Caesar is to give. Balbus showed Cicero a letter from Caesar which confirmed the news that he would arrive *ante ludos Romanos*, and incidentally praised Cicero's *Cato*. After having learned from Balbus further details about Cluvius' will Cicero has decided to send Pollex to Puteoli. In a postscript Cicero reports the receipt of a letter from Vestorius with a copy of Cluvius' will. In letter 47, written almost certainly on August 13, Cicero says that, on receipt of a letter from Atticus, he has laid aside his other work and begun to write on the subject suggested to him by Atticus. As we see from 47, the new work was the long-projected letter to Caesar. Cicero expects Dolabella *postridie Idus*, presumably the following day.

The legacy of Cluvius is mentioned elsewhere only in section 4 of letter 37, which reads as follows:

De gladiatoribus, de ceteris quae scribis ἀνεμοφόρητα, facies me cotidie ceteriorem. Velim, si tibi videtur, appelles Balbum et Offilium. De auctione proscribenda equidem locutus sum cum Balbo. Placebat (puto conscripta habere Offilium omnia; habet et Balbus) sed Balbo placebat propinquum diem et Romae; si Caesar moraretur, posse diem differri. Sed is quidem adesse videtur. Totum igitur considera; placet enim Vestorio.

This letter, with more definite plans for the auction than are found in 45. 3 and with references to the inventories of the possessions of Cluvius and to a communication from Vestorius, seems to be later

¹⁰ 46. 2: "Balbum conveni. Lepta enim de sua vi in curatione laborans me ad eum adduxerat." For the corrupt *vi* in most editors read *vini*, but Schmidt suggests *mun* (*crum*), comparing the letter to Lepta, *Ad fam.* vi. 19: "de curatione aliqua munerum regionum." This was a preliminary interview about the *curatio* against which Cicero later counsels Lepta. Schiche (*Hermes*, XVIII [1883], 609) assumes from 46. 2 that Lepta has secured the *curatio*, and so dates the letter before *Ad fam.* vi. 19. But *laborare de* means "to be anxious about"; cf. *Cic. Caecina* 3: "de quibus ego antea laborabam . . . nunc sum animo acquissimo"; *Vatin.* 7: "homines de meo reditu laborasse."

than 45 and 46.¹¹ Apparently in reply to a question from Atticus, Cicero gives additional details of the conversation with Balbus on August 12. But the difficulty of such a dating lies in the fact that the first part of 37 was written on the same day as 48, immediately after a journey of Cicero to Rome, and Cicero cannot have gone to Rome at this period, for he was detained at the *Tusculanum* by the expected visit of Dolabella on the fourteenth.¹² The difficulty will be removed if we consider the last section of 37 a separate letter (37a), written probably on the fourteenth.¹³ In that case it immediately precedes in time the letters which follow in the text, 38-41, after which Cicero went to Rome.

Letters 38-41, written perhaps on successive days about August 15-18, are occupied almost entirely with the attitude to be assumed toward young Quintus, whose return from the Spanish campaign is imminent. In 38¹⁴ Cicero had just received a conciliatory letter from the nephew who had constantly maligned his uncle during the campaign. Cicero believes that young Quintus has been influenced by Brutus' continual praises of Cicero. The youth has also written to his father that he is unwilling to return to his father's house and wishes a house to be rented for him. Cicero desires counsel as to whether he should reject the young man's advances or should hide his real feelings. He does not wish to see young Quintus at the *Tusculanum*, and considers either coming to Rome, where he can see his nephew in a crowd, or going to Astura. Atticus' advice (39) is that Cicero come to Rome where he can also see Brutus who, like Quintus, is expected at Rome before Caesar comes; but Cicero is hurt that Brutus has not written

¹¹ This is not the view of Schmidt, pp. 341 ff., who places 48 and 37 before 45, 46, and 47.

¹² Cicero expected Dolabella's visit to last some days; cf. 45. 2. Letters 37 and 48 as they stand cannot be dated after Cicero's journey to Rome forecast in letter 41, for 37. 4 mentions a conversation with Balbus, and Cicero tells Lepta in *Ad fam.* vi. 19 (about August 26-29) that he has not seen Balbus *posteaquam tu es profectus*. He is referring to the interview which he and Lepta had with Balbus on August 12.

¹³ The statement about Caesar's arrival in 37a (*adesse videtur*) may be compared with *Caesar adest* in 47. Balbus, we know from 45. 1, expected Caesar well before the *Iudi Romani*.

¹⁴ Early on the day when letter 38 was written Cicero had dispatched another letter to Atticus, which is lost. In it he probably requested the books referred to at the end of 39. He seems to have been working at the time on the first book of the *De natura deorum*.

to him and does not approve of Brutus' journey. In the next letter (40) Brutus has written to Cicero, and has also sent a message, apparently through Atticus, that Caesar is now converted *ad bonos viros*—a report which disgusts Cicero, coming as it does from a descendant of Brutus and Ahala. In all these letters there are details about the difficulties between young Quintus and his parents. The father, who has, it would seem, been with Cicero, is alternating between anger and forgiveness toward his son. In 40, Cicero says he hears that the father has gone to meet his son,¹⁵ but in no friendly spirit. Cicero in 41 admits to having sent Quintus a letter from the son to his mother which had, it appears, been secured from Atticus. The suggestion of a marriage between young Quintus and the daughter of Atticus' friend, Canus, makes it necessary for Cicero and Atticus to agree on a policy, and Cicero expects to come to Rome to consult Atticus on the following day, perhaps about August 19.

In Rome, where he seems to have stayed only a day or two, Cicero, in addition to consulting with Atticus, saw Balbus Minor (49), who had returned from Spain, and learned from him that Tigellius, the Sardinian musician, had been maligning Cicero. I would date immediately after the return to the *Tusculanum* the two letters 48 and 37. 1-3, the latter of which also mentions a recent conversation with Balbus Minor. Letter 48 expresses the hope that Atticus will, as he had apparently suggested the day before, come to the *Tusculanum*; Cicero may have to return to Rome soon to aid Lepta in the matter of a legacy. In both letters Cicero says he has sent Atticus the corrected version of the *laudatio* of Porcia, which is to be forwarded in this form to Brutus and Domitius. In 37 he reports, apparently from Balbus Minor, a story of Hirtius' defense of Cicero against the accusations of young Quintus. After these letters come 49, 50, and 51, the last dated August 24, all of which mention Cicero's difficulty with Tigellius. From the same period we have on this subject two letters (*Ad fam.* vii. 24 and 25) to Fadius Gallus whom Cicero had just seen in Rome and had asked to find out the cause of Tigellius' anger. Letter

¹⁵ The place where Quintus went to meet his son, Saxa Acrunoma, is unknown, and the passage is probably corrupt. Schmidt (p. 335), accepting the reading *acrimonia* found in the Mediceus, assumes that Quintus went to Saxa Rubra, nine miles from Rome on the Via Flaminia. But since young Quintus did not come for some days (51), it is probable that the father took a longer journey.

50 reports that, following Atticus' advice (cf. 47), Cicero has written a letter to Caesar praising his *Anticato* and has sent it to Oppius and Balbus who, if they approved it, were to give it to Dolabella to be taken to Caesar. Oppius and Balbus have replied that they consider the letter admirable and have dispatched it. Cicero is thinking of going to Alsium (a day distant on the Via Aurelia) to meet Caesar. Murena has made a cordial response to Cicero's request for entertainment at his villa there. In letter 51 (August 24) Cicero denies the charge that his letter to Caesar, of which he did not send Atticus a copy, contained flattery. The most important communication in the letter, introduced by the phrase *narro tibi*, which announces a piece of news, comes at the end: "Narro tibi, Quintus cras; sed ad me an ad te nescio. Mi scripsit Romam VIII Kal. Sed misi qui invitaret. Etsi hercle iam Romam veniendum est ne ille ante advolet." Since the elder Quintus and Atticus were not on friendly terms, it is surely the young Quintus¹⁶ who, not wishing to go to his father's house, might be expected at the house of either Cicero or Atticus.¹⁷ Cicero had invited young Quintus either to come to the *Tusculanum* or, more probably, to use his town house. The date of the expected arrival of the nephew, August 25, provides strong evidence against Schmidt's arrangement of the letters.

There was a sudden change in Cicero's plans, and on the very day when young Quintus was expected in Rome Cicero went to Astura, stopping three hours at Lanuvium to avoid the heat (34, August 26 ?).¹⁸ A letter from Hirtius, to whom Cicero wrote before leaving the *Tusculanum* (21), perhaps brought further news of the sins of

¹⁶ Young Quintus is referred to simply as Quintus in xiii. 9. 1 and 37. 2.

¹⁷ Schmidt (pp. 351 ff.), dating the return of young Quintus about August 9, refers this passage to the elder Quintus. Tyrrell and Purser, though keeping Schmidt's date for the letter, assign the reference to young Quintus. Since the father had gone to meet the son, the two probably came together. Tyrrell and Purser make the tempting suggestion that *sed* before *misi qui invitaret* is a corruption for *Sept.* If *sed* is correct, it probably refers back to the sentence *sed ad me an ad te nescio*, "(I don't know whether you invited him) but I sent a messenger to ask him to stay at my house." If this interpretation of the passage is correct, the last sentence of the letter may imply that Cicero, who may have to return himself, will find young Quintus' presence in his house a nuisance.

¹⁸ The words at the end of 34, *Scripsi enim ad te de hortis* (probably the *horti Cluvi-anti*), refer to a letter which is lost; in it Cicero probably announced to Atticus his plan of going to Astura and told Atticus of the letter he had written to Quintus (21. 2).

young Quintus, and Cicero, apparently deciding that a friendly meeting with the young man was impossible, followed an earlier plan and fled to Astura, *ne in Tusculano opprimar* (38. 2). In writing from Astura, Cicero (21) does not wish to discuss the correspondence with Hirtius from whom another letter has come. *Nunc alia malo*, he says, and devotes the letter chiefly to his discovery that *inhibere* is a technical nautical word. For it he bids Atticus restore in a passage in the *Academica* the word *sustinere* which Cicero had originally used: "Vides quanto haec diligentius curem quam aut de rumore aut de Pollione, de Pansa etiam, si quid certius (credo enim palam factum esse)." The passage, corrupt at the end with three more names which mean nothing to us,¹⁹ is perhaps a reference to the people who have reported on young Quintus' loose talk about Cicero. Pollio, like Hirtius, had written to Cicero before this about him, and Pansa, as governor of Cisalpine Gaul, had lately had opportunities to see the young man. Cicero is having difficulties with his brother Quintus too, who has offended Atticus. In response to a letter which Cicero sent before leaving the *Tusculanum* (21. 2), Quintus later sent back a rather ungracious apology which Cicero hoped would satisfy Atticus (47a).

However anxious he may have been to avoid his nephew, Cicero would not have gone to Astura unless he had had news of a further postponement of Caesar's return. Cicero's first intention (34) was to remain away from Rome until the fifth when the *ludi Romani*, for which Caesar had been expected, were to begin. But he is ready to return earlier if Atticus summons him, and he mentions Egnatius (cf. 45. 1), perhaps again as a person who can give Atticus the latest news about Caesar's movements. During this stay at Astura Cicero also wrote to Lepta (*Ad fam.* vi. 19) and urged him to give up his plan of acting as curator of the *munera regia*. The language of the letter supports the revision in date for the journey to Astura, for it seems to refer to the interview about the same business which Cicero and Lepta had with Balbus on August 12. "De curatione aliqua

¹⁹ The rest of the passage, marked in the editions with a dagger, reads: "de Critonio si quid esset, certe ne de Metello et Albino (sc. *dicam* ?)." Nothing is known of Critonius and Metellus. Could Balbinus be the younger Balbus? On the reports which he and Asinius Pollio had made to Cicero about the young Quintus see *Ad Att.* xii. 38. 2. For letters of Hirtius and Pansa to Cicero about the attacks made on him by the elder Quintus see *Ad Att.* xi. 14. 3.

munerum regionum," writes Cicero, "cum Oppio locutus sum; nam Balbum posteaquam tu es profectus non vidi. Tantis pedum doloribus adficitur ut se conveniri nolit." This letter ends with the statement that Cicero expects to remain at Astura until Caesar comes: "Ego me Asturae diutius arbitror commoraturum quoad ille quandoque veniat."²⁰

But the stay at Astura proved, after all, to be brief. On the twenty-ninth Cicero (47a, August 30) received a letter from Lepidus who was staying near by at Antium, urging that, as a favor to himself and to Caesar, Cicero appear at the regular meeting of the senate on the Kalends of September. Cicero expects to spend the night of the thirtieth in Antium and to arrive in Rome before noon on the thirty-first. He adds that he will return on the Kalends to his Tusculan villa—there presumably to await news of Caesar's return.²¹

After this rearrangement of the letters it is tempting to try to reconstruct the events of Caesar's return from Spain, but the evidence is fragmentary, and geographical details are almost totally lacking. After leaving Spain, certainly not earlier than the end of May,²² Caesar, who was occupied with settlements of land for his soldiers, passed through Gallia Narbonensis and probably himself founded colonies of veterans of the sixth and tenth legions at Arelate and Narbo.²³ It was perhaps to aid in the assignments of land in Cisalpine Gaul that Caesar desired the presence of Brutus, who until March of

²⁰ There seems to be no adequate reason for following Schmidt in taking *Ad Att.* xii. 9 and 10 from their context among the letters of 46 and dating them during Cicero's sojourn at Astura in the summer of 45. xiii. 9, written at Astura, probably belongs to a stay there in 46. Neither letter has any direct connection with the events of this period. As Schiche has also shown (see n. 2 above), the three letters to Tiro (*Ad fam.* xvi. 17, 19, 22) which are also dated in this period by Schmidt and his followers, are uncertain in date. The last of these letters, in which Schmidt makes an unconvincing emendation of the words *de quadrimo Catone*, was written at some time in 46 when Cicero had lately completed his *Cato*; see Sternkopf, *loc. cit.* Tyrrell and Purser reject Schmidt's emendation without altering the date of the letter.

²¹ After Cicero's return to Rome on August 31 until April of 44, when the letters of Book xiv begin, there are only two letters to Atticus preserved, xiii. 42 and 52, both from December of 45.

²² See Schmidt, pp. 369 ff.

²³ Both colonies were called Colonia Iulia Paterna; see Suet. *Tib.* 4. Hirtius was perhaps occupied with the assignments of land when he wrote to Cicero from Narbo on April 18 (*Ad Att.* xii. 37a); see *CAH*, X, 707, and Kromayer, *Hermes*, XXXI (1896), 1 ff.

45 had been governor of that province. From the fact that Brutus' departure was delayed for some time, it seems likely that Caesar did not reach Cisalpine Gaul as soon as he expected, but he was probably there the early part of August when Brutus began to send home the reports mentioned in the letters which we have dated from about August 15 on. Schmidt is perhaps right in placing at this time Brutus' journey with Caesar, during which Caesar praised the well-being of the cities which had been under Brutus' authority.²⁴ Some members of Caesar's train came home earlier than Caesar did—Balbus Minor, the young Quintus, perhaps Brutus who was certainly expected. But Caesar's company was increased by the chief men of Rome who, Plutarch says (*Ant.* 11), joined Caesar after journeying many days to meet him. Antony, to whom Caesar on his march through Italy showed special favor, went a long distance to meet Caesar.²⁵ Dolabella, to whom Cicero's letter to Caesar was consigned, seems to have left about the twentieth. If this date of his departure is correct, Caesar at the time was not far away, for about August 26 Cicero is expecting news from Dolabella about his success in pleading Torquatus' cause. Matius, with whom Cicero thought Murena might have gone (50. 4), had already left about August 23. The only place on Caesar's itinerary which is mentioned in the letters is the port Alsium, a day's journey from Rome on the Via Aurelia, where Cicero thought of going to meet Caesar (50. 4). Caesar's investigations of land available for his veterans probably account for his taking such a circuitous route from Cisalpine Gaul to Rome.²⁶ The territory of Volaterrae, which, as we know from *Ad fam.* xiii. 4 and 5, was under consideration, extended to the Via Aurelia. Although Caesar may not have been in Rome for the scenic games with which the *ludi Romani* opened, he certainly arrived before the principal day of the celebration, the *Epulum Iovis* on September 13, which preceded the

²⁴ Cf. pp. 331 ff. Plutarch (*Brut.* 6) refers the incident to Caesar's return from the war in Africa, but it is not certain that Caesar was in Cisalpine Gaul at that time.

²⁵ Plutarch *Ant.* 11; Cic. *Phil.* ii. 78: "C. Caesari ex Hispania redeunti obviam longissime processisti."

²⁶ Schmidt (p. 370) suggests that Caesar took ship from a north Italian port to Sardinia and from there landed at Alsium. But the same considerations which led Caesar to give up landing at Alsium in 46 (*Ad fam.* ix. 6. 1) would have militated against his coming that way in 45. The language of both Plutarch and Cicero implies that Caesar was journeying by land.

days devoted to circus games. Immediately after the ceremonies on the thirteenth Caesar must have gone to his *Lavicanum* where, according to Suetonius (*Iul.* 83) he made his will on that day.

The dating of *Ad Att.* xiii. 44 about July 28, 45 B.C., leads to the following reconstruction of the dates of Cicero's letters and his movements in August of 45:

All letters up to August 25 were written from the *Tusculanum*; the letters of August 26-30 from Astura.

About August 11 [after a visit of Atticus], *Ad Att.* xiii. 45.

August 12, *Ad Att.* xiii. 46. Cicero and Lepta visit Balbus at a Lanuvine villa.

August 13, *Ad Att.* xiii. 47.

August 14, Arrival of Dolabella at the *Tusculanum*.

About August 14, *Ad Att.* xiii. 37a ? (37a = 37.4).

About August 15, *Ad Att.* xiii. 38.

About August 16, *Ad Att.* xiii. 39.

About August 17, *Ad Att.* xiii. 40.

About August 18, *Ad Att.* xiii. 41.

About August 19-20, Cicero makes a visit to Rome.

About August 21, *Ad Att.* xiii. 37 and 48.

About August 22, *Ad Att.* xiii. 49; *Ad fam.* vii. 24.

About August 23, *Ad Att.* xiii. 50.

August 24, *Ad Att.* xiii. 51; *Ad fam.* vii. 25 ?

August 25 [the day of young Quintus' return to Rome], Cicero travels to Astura, resting at Lanuvium on the way.

About August 26, *Ad Att.* xiii. 34.

About August 27, *Ad Att.* xiii. 21.

Between August 26 and August 29, *Ad fam.* vi. 19.

August 30, *Ad Att.* xiii. 47a. Cicero spends the night at Antium.

August 31, Cicero plans to reach Rome, intending to return to the *Tusculanum* on September 1.

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THE CHRONOLOGY IN PORPHYRY'S *VITA PLOTINI*

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THE ultimate source of all our knowledge of the chronological details of the life of Plotinus is the *Vita Plotini* of Porphyry.¹ Yet, until Professor Oppermann produced his *Die Chronologie in Porphyrios' "Vita Plotini,"*² no one seems to have attempted to discover the exact meaning of the statements which Porphyry makes in this connection, although very frequent use has been made of these statements.³ The problem was first seriously raised by Dessau when he suggested to Heinemann⁴ that the regnal years by which Porphyry reckons were either the Egyptian or the Syro-Macedonian regnal years. Heinemann accepted this theory⁵ and drew up a table of the most important dates in the life of Plotinus. Finally Oppermann carefully examined all the dates given by Porphyry and concluded that Dessau's theory was correct.

This problem of what the regnal years were which Porphyry employed is the main problem which is raised by the statements which he makes on chronology. But before we consider it there are several other questions which must be settled. First of these is the question whether Porphyry intended his statements on chronology to be as accurate as possible. That he probably did can be seen not only from the care which he devoted to chronological questions in the *Chronica*

¹ Referred to in this article by the pages of Volkmann's edition (*Plotini Enneades* . . . , Vol. I [Teubner, 1883]).

² The second essay in his *Plotins Leben* ("Orient u. Antike," Vol. VII [1929]). I am throughout greatly indebted to this work of Professor Oppermann.

³ E.g., by Lucas Holstenius, *Porphyrii* . . . (Cambridge, 1655); Tillemont, *Histoire des empereurs: Dioclétien*, n. xxi; Fabricius, *Bibl. Graec.*, ed. Harles (1796), p. 676; Creuzer et Moser, *Plotini Enneades* (Paris, 1855), pp. xviii ff.; Richter, *Neoplatonische Studien*, I (1864), 62; Zeller, *Philos. d. Griechen*, III, Part II, 520 ff.

⁴ Apparently either verbally or by letter. Dessau's words (which are quoted below) do not appear in any of his published works.

⁵ Heinemann, *Plotin* (1920), p. 240.

and the *Historia philosophiae*⁶ but from the evidence of the *Vita Plotini* itself. Here we may draw special attention to two points: (1) Even where a vague method of giving the data might be excusable Porphyry attempts to give it precisely: for example, instead of saying, as he might easily have done, that Plotinus took to philosophy after he had reached maturity, he tells us that he did so in his twenty-eighth year;⁷ (2) in giving the date of an event Porphyry frequently dates it by several different standards of reference; this can be especially seen at the beginning of chapter iv,⁸ where he dates his own arrival at the school of Plotinus by reference to the year of Gallienus, to the number of years that Amelius had been with Plotinus, to the age of Plotinus, and to his own age.

We may assume, then, that Porphyry endeavored to be accurate in his statements on chronology, but it does not follow that all his statements are, in fact, correct. In particular we may be skeptical about his statements on the age which Plotinus had reached when various events took place. Porphyry says in chapter ii⁹ that, according to Eustochius, Plotinus was in his sixty-sixth year when he died, and that from this statement of Eustochius it was concluded that he must have been born in the thirteenth year of Severus. Thus the statement of Eustochius is Porphyry's sole evidence for the age of Plotinus. Eustochius was present when Plotinus died, and it is possible that Plotinus then told him his age, but it seems at least as possible, as Oppermann suggests,¹⁰ that Eustochius, following the regular practice when a man's exact age was unknown, assumed that Plotinus was in his fortieth year when he came to Rome in the summer of 244 and calculated from that that he must have been in his sixty-sixth year at the time of his death.

The second of these preliminary questions is: Did Porphyry, in

⁶ The fragments of the *Chronica* are published by Müller, *FHG*, III, 688-727; the fragments of the *Historia philosophiae* by Nauck, *Porphyrii opuscula* (Teubner, 1886).

⁷ *Vita Plotini* (chap. iii, p. 5, ll. 20 ff.): εἰκοστὸν δὲ καὶ ὄγδοον ἔτος αὐτὸν ἄγοντα ἀρμῆσαι ἐπὶ φιλοσοφίαν.

⁸ Chap. iv, p. 7, ll. 5 ff.

⁹ Quoted below, on pp. 247 f. The statement of Eustochius may have been made verbally or possibly in a life of Plotinus prefixed to his edition of the *Enneads* (for this edition see P. Henny, *Recherches sur la préparation évangélique d'Eusèbe et l'édition perdue des œuvres de Plotin* (Bibliothèque de l'école des hautes études, 1935).

¹⁰ *Op. cit.*, pp. 55 f.

counting the length of time between two events, count each period of twelve months from the date of the event as a year or did he take the year as beginning at some fixed date and count periods, however short, before or after that fixed date as years? That the latter was the case can be seen from the following passages of the *Vita*:

τῷ δεκάτῳ δὲ ἔτει τῆς Γαλιήνου βασιλείας ἐγὼ Πορφύριος ἐκ τῆς Ἑλλάδος μετὰ Ἀντωνίου τοῦ Ῥοδίου γεγονώς . . . (chap. iv, p. 7, ll. 5 ff.).

συγγεγονώς δὲ αὐτῷ [sc. Πλωτίνῳ] τοῦτό τε τὸ ἔτος καὶ ἐφεξῆς ἄλλα ἔτη πέντε—ὀλίγον γάρ τι πρότερον τῆς δεκαετίας ἐγεγόνειν ὁ Πορφύριος ἐν τῇ Ῥώμῃ . . . ἐν δὲ τοῖς ἑξ ἔτεσι τούτοις . . . (chap. v, p. 9, ll. 11 ff.).

ἐν δὲ τῇ Σικελίᾳ διατρίβοντός μου—ἐκεῖ γὰρ ἀνεχώρησα περὶ τὸ πεντεκαίδεκατον ἔτος τῆς βασιλείας Γαλιήνου— . . . (chap. vi, p. 11, ll. 7 ff.).

Thus Porphyry arrived at Rome in the tenth year of Gallienus, shortly before the end of that year (ὀλίγον γάρ τι πρότερον τῆς δεκαετίας)¹¹ and left it again in the fifteenth year of Gallienus. Yet he uses the following phrases of the period between these two events: τοῦτό τε τὸ ἔτος καὶ ἐφεξῆς ἄλλα ἔτη πέντε and ἐν δὲ τοῖς ἑξ ἔτεσι τούτοις.¹²

Clearly there could not be six periods of twelve months each between just before the end of the tenth year of Gallienus and any time in the fifteenth year. In fact, there are not even five periods of twelve months each between the arrival of Porphyry at Rome and his departure from there. For Gallienus was succeeded by Claudius about March, 268,¹³ and therefore Porphyry's departure must be at latest in March, 268.¹⁴ But his arrival was in the late summer or early autumn

¹¹ Oppermann shows (*op. cit.*, pp. 46 ff.) that the arguments advanced by Wickert (Pauly-Wissowa, XIII, 353) to show that the *decennalia* took place about September, 262, not September, 263, are invalid. If the *decennalia* took place about September, 263, then Porphyry's arrival must be placed shortly before the end of the tenth year of Gallienus, whether by the tenth year we mean the tenth Egyptian year or the tenth year from the accession (counting each year as beginning on the *dies imperii*). Chap. v, p. 9, ll. 11 ff. is discussed further on pp. 255 f. of this article.

¹² Cf. chap. v, p. 11, ll. 1 f.: ἐν τῷ ἐξαέτει χρόνῳ τῆς παρουσίας ἐμοῦ. . . .

¹³ Cf. *Vita Claudii* iv. 2.

¹⁴ If by regnal years Porphyry meant Egyptian regnal years, then he might count the fifteenth year of Gallienus as continuing after his death until 28. viii. 268, being followed by the second year of Claudius. In fact, Oppermann, as we shall see below, argues that not only does the fifteenth year of Gallienus run on until 28. viii. 268, but that it is followed by the first year of Claudius. But even if the fifteenth year does continue until 28. viii. 268, in order to give Porphyry five periods of twelve months each at Rome,

of 263, and he would not have completed five periods of twelve months each until well after March, 268. Therefore Porphyry, when he counts the length of time between two events, must take the year as beginning on some fixed date and count periods, however short, before or after that date as years. The question of what this fixed date was will be considered later.

The third question is: Does Porphyry employ the same system when he is giving the years of a person's life? That he counts the beginning of the current year of a person's life as a year is clear from a comparison of *ἦν δὲ ὁ Πλωτῖνος τῷ δεκάτῳ ἔτει τῆς Γαλιήνου βασιλείας ἀμφὶ τὰ πεντήκοντα ἔτη καὶ ἑννέα* (chap. iv, p. 7, ll. 11 ff.). *πεντηκοστὸν δὲ καὶ ἑννατον ἔτος ἦγε τότε ὁ Πλωτῖνος* (*ibid.*, p. 9, ll. 9 f.). Here *ἦν . . . ἀμφὶ τὰ πεντήκοντα ἔτη καὶ ἑννέα* is synonymous with *πεντηκοστὸν καὶ ἑννατον ἔτος ἦγε*.

But does Porphyry count each year of a person's life as beginning on the anniversary of his birth or on the same fixed date as he employs in counting the length of time between two events? The only people whose ages Porphyry gives are Plotinus and himself. He may have known the day and month of his own birth, but he certainly did not know those of Plotinus.¹⁵ He knew or supposed that Plotinus was in his sixty-sixth year at the time of his death, but that was all. Yet Porphyry gives the age of Plotinus at various times in his life. He must then have taken some arbitrary date as the beginning of the years of Plotinus' life,¹⁶ and it is exceedingly probable that he took

we should have to suppose that his departure was at the very end of that year. But the probabilities are against this supposition. It is improbable that an event which is dated simply to the fifteenth year of Gallienus should have taken place at the very end of that year. But, above all, Porphyry himself tells us (chap. xi, p. 17, ll. 19 ff.) that the reason for his leaving Rome was that Plotinus, discovering that he was meditating suicide, sent him away. It is surely very much more probable that Porphyry meditated suicide during the session of the school than that he did so immediately after the summer vacation as we should have to suppose in order to place his departure at the end of the fifteenth year of Gallienus. (For the summer vacation of the school see chap. v, p. 9, ll. 14 f.)

¹⁵ Chap. ii, p. 5, ll. 7 f.: *οὔτε δὲ τὸν μῆνα δεδῆλωκέ τινα καθ' ὃν γηγένηται, οὔτε τὴν γενέθλιον ἡμέραν.*

¹⁶ It is not inconceivable, of course, that Porphyry supposed that all those events in reference to which he gives Plotinus' age took place at very much the same time of the year, and that for that reason he did not assume any arbitrary beginning for the years of his age. This, however, seems highly improbable.

the same date as he took in counting the length of time between two events. In giving his own age he may have followed this system or he may have counted the years of his life as beginning on the anniversary of his birth. In fact, he mentions his own age only twice.¹⁷

Since, as we have seen, Porphyry in giving the age of Plotinus most probably follows the same system as he does in giving the period of time between two events and since in giving the age of Plotinus he uses ordinal and cardinal numbers indifferently, we may reasonably assume that he uses them equally indifferently in giving the length of time between two events.

Now we come to the main problem: What are the regnal years which Porphyry uses as his outside standards of reference in dating the events of the life of Plotinus? There are four chief possibilities: (1) tribunician years beginning on December 10; (2) Syro-Macedonian regnal years beginning in the autumn; (3) Egyptian regnal years beginning on August 29 (30 after leap years); and (4) the years beginning on the *dies imperii*. In considering these possibilities we must remember that we have not as yet decided at what date those years begin which Porphyry employs in reckoning the length of time between two events. If his regnal years are tribunician or Syro-Macedonian or Egyptian years, in all of which the year begins on a fixed date irrespective of the date of accession of the reigning emperor (except, of course, in the case of his first year), then it would be natural to assume that the beginning of the regnal year is also the beginning of the year which is employed in reckoning the length of time between two events. It is unlikely that, if Porphyry was already employing one fixed date for the beginning of regnal years, he would employ another for the beginning of the other years.

1. That the regnal years which Porphyry employed were not tribunician years may be seen from the following passages:

προσῆλθε δὲ αὐτῷ [sc. Πλωτίνῳ] ὁ Ἀμέλιος . . . κατὰ τὸ τρίτον τῆς Φιλίππου βασιλείας ἔτος καὶ ἄχρι τοῦ πρώτου ἔτους τῆς Κλαυδίου βασιλείας παραμείνας ἔτη ὅλα συγγέγονεν εἴκοσι καὶ τέσσαρα (chap. iii, p. 6, ll. 25 ff.).

τῷ δεκάτῳ δὲ ἔτει τῆς Γαλιήνου βασιλείας ἐγὼ Πορφύριος . . .

¹⁷ Chap. iv, p. 11, ll. 13 f.; chap. xxiii, p. 31, ll. 32 ff.

καταλαμβάνω μὲν τὸν Ἀμέλιον ὀκτωκαίδεκατον ἔτος ἔχοντα τῆς πρὸς Πλωτῖνον συνουσίας (chap. iv, p. 7, ll. 5 ff.).

The third tribunician year of Philip is 10. xii. 245–46. The twenty-fourth year from that (counting inclusively) would only begin 10. xii. 268. But the first tribunician year of Claudius ends 9. xii. 268. Similarly, the eighteenth tribunician year of Amelius' stay with Plotinus would only begin 10. xii. 262, but the tenth tribunician year of Gallienus ends 9. xii. 262.¹⁸ Thus Porphyry cannot have used tribunician years.¹⁹

2 and 3. We have already seen that the suggestion that Porphyry is reckoning either by Egyptian or by Syro-Macedonian regnal years was first put forward by Dessau, taken up by Heinemann, and developed at length by Oppermann. Heinemann²⁰ quotes Dessau as follows:

Die Kaiserjahre, nach denen in der Biographie gezählt wird, schwerlich die römischen, am 1. Januar beginnenden sind,²¹ da man im Bereich des römischen Kalenders nicht nach Kaiserjahren zählte, sondern entweder die am 1. Thot (29. oder 30. August) beginnenden ägyptischen oder die im Herbst beginnenden syrisch-makedonischen.

2. Oppermann, though the main part of his work is devoted to the attempt to prove that by regnal years Porphyry means Egyptian

¹⁸ Philip acceded about March, 244; Claudius about March, 268; and the years of Gallienus were counted as if he had acceded at the same time as Valerian, i.e., in the autumn of 253.

¹⁹ Cf. Oppermann, *op. cit.*, pp. 32 ff.

If we supposed that Porphyry, while using tribunician years as his regnal years, at the same time used the years beginning on the first of January for reckoning the period of time between two events, there would be no inconsistency here. But we should have to suppose that Amelius arrived with Plotinus between 10. xii. 245 and 31. xii. 245 (his twenty-fourth year with Plotinus would then be 268). And this supposition becomes even more difficult to accept when we consider that, in order to reconcile with one another the statements which Porphyry makes about the death, age, and birth of Plotinus (chap. ii, p. 4, ll. 29 ff.), we should again have to suppose that Plotinus was born between 10. xii. 204 and 31. xii. 204.

²⁰ Heinemann, *op. cit.*, p. 240 n.

²¹ That the regnal years are not the years beginning on the first of January can be seen from a consideration of chap. ii, p. 4, 30 ff. of the *Vita*. Porphyry says that Plotinus died toward the end of the second year of Claudius, in his sixty-sixth year, and that from this it was concluded that he must have been born in the thirteenth year of (Septimius) Severus. But if by regnal years Porphyry meant the years beginning on the first of January, the thirteenth year of Severus would begin 1. i. 205 and the second of Claudius would end 31. xii. 269; i.e., the maximum number of years for the life of Plotinus would be sixty-five, not sixty-six as the *Vita* says.

regnal years, nevertheless states that it is impossible finally to decide whether they are really Syro-Macedonian years or Egyptian years.²² He claims that he has been unable to find in the *Vita Plotini* any date where the reckoning by Syro-Macedonian years would give a different number of years from the reckoning by Egyptian years. But it is clearly impossible to decide this question finally without a knowledge of the exact date on which each Syro-Macedonian year began.²³ Without this knowledge we cannot decide whether the supposition that Porphyry is employing this system would involve him in inconsistencies or not. It does, however, seem improbable that he would employ a system whose area of use was so limited without stating that he is doing so.

3. In addition to the argument suggested by Dessau, Oppermann brings forward the following arguments in favor of the view that Porphyry is employing the Egyptian regnal year beginning on Thot 1 (August 29; after leap years, 30): (a) If Porphyry is reckoning by Egyptian years, then his statements are consistent with one another and with our external knowledge of the chronology of the period. (b) On no other system would this be so (except, of course, the Syro-Macedonian system). (c) Since the Egyptian regnal year always began on the same date (except in the first year of the reign), it would have a decided advantage for a historian who wished to be as precise as possible in his method of dating.

To deal with these arguments in turn:

a) If we suppose that Porphyry is reckoning by Egyptian regnal years, all the dates which he gives are consistent with one another and with our external knowledge of the chronology of the period,²⁴ except in the case of those events which are dated by the years of Claudius II. Speaking of the death of Plotinus, Porphyry says:

ἀφῆκε τὸ πνεῦμα ἔτη γεγονώς, ὡς ὁ Εὐστόχιος ἔλεγεν, ἕξ τε καὶ ἐξήκοντα, τοῦ δευτέρου ἔτους τῆς Κλαυδίου βασιλείας πληρουμένον . . . ἀναψηφίζουσι δὲ ἡμῖν ἀπὸ τοῦ δευτέρου ἔτους τῆς Κλαυδίου βασιλείας εἰς τοῦτῳ ἔτη ἕξ τε καὶ ἐξήκοντα ὁ χρόνος αὐτῷ τῆς γενέσεως εἰς τὸ

²² *Op. cit.*, p. 40, n. 3.

²³ Dessau (quoted above) says simply "Die im Herbst beginnenden syrisch-makedonischen [Jahre]." On the whole question of Syro-Macedonian years see W. Kubitschek, *Grundriss der antiken Zeitrechnung* (1928), pp. 70 ff. and *Nachträge*.

²⁴ Cf. Oppermann, *op. cit.*, *passim*.

τρισκαίδεκατον ἔτος τῆς Σεήρου βασιλείας πίπτει (chap. ii, p. 4, ll. 29 ff.). Since Claudius acceded about March, 268,²⁶ his second Egyptian year would be 29. viii. 268—28. viii. 269. Septimius Severus acceded 13. iv. 193²⁶ and so his thirteenth Egyptian year would be 29. viii. 204—viii. 205. But from 204/5 until 268/9 is only sixty-five years, whereas according to Porphyry the period between the thirteenth year of Severus and the second of Claudius is sixty-six years. To get over the difficulty Oppermann refers to a number of papyri which reckon as the second Egyptian year of Claudius, not 268/9 as the coinage does, but 269/70. He claims that Porphyry is following the system of the papyri, not that of the coinage.

The papyri to which Oppermann refers are: Strassburg Pap. 7, 8, 10, and 11;²⁷ Leipzig Pap. Inv. 483;²⁸ Oxyr. Pap. IX 1208, 11, and XIV 1698. That these papyri do make 269/70 the second year of Claudius cannot be disputed. Strauss. 7 and 8 are part of a series of receipts for *φόρος προβάτων*. In No. 7 the date Hathyr 9 (November 5) of the first year of Claudius follows Phamenoth 24 of the fifteenth year of Gallienus. Here by the first year of Claudius must be meant 268/9, for Hathyr is the third month of the Egyptian year and so would not occur in the period March, 28. viii. 268. This papyrus gives Claudius three years, and then No. 8 begins with the first year of Aurelian. Number 10 is a lease dated Phaophi 19 (October 16) in the first year of Claudius. Here, again, this cannot be the year March, 28. viii. 268, for Phaophi is the second month of the Egyptian year. Number 11 is a payment order for the rent due under the lease in No. 10. One part of it is dated Phamenoth 7 and the other Phamenoth 14 of the first year (of Claudius). This again indicates that in these two papyri the first year of Claudius must be 29. viii. 268/9.

Leipzig Pap. Inv. 483, which possibly refers to a *frumentatio*, is dated March 6 in the first year of Claudius, which is most probably the year 29. viii. 268/9, for Claudius acceded only about March, 268. Oxyr. Pap. XIV 1698 is dated to Thot 13 (September 10) of the first year of a third-century emperor, most probably Claudius, and so bears

²⁶ *Vita Claudii* iv. 2.

²⁷ According to Hasebroek, *Untersuchungen zur Gesch. des Kaisers Septimius Severus*, pp. 18 f.

²⁸ Ed. Preisigke (1912–20).

²⁹ Cf. Wilcken, *Chrestomathie* . . . , p. 503.

out the same theory. Oxyr. Pap. IX 1208, dated to the seventh year of Diocletian and the sixth of Maximian, contains an affirmation of the validity of a contract dating from the previous year. In it are the following words: 11. [ῆ] ἀπολέλυπεν <ἀπολέλοιπεν> δι[αθ]ήκη τῷ β[έτει] Κλαυδίου, ὃ ἐγέ[νετο] α[ἔτος] Αὐρηλιανοῦ, [μ]ηνὶ Τῦβι.

Here Claudius is given only two years, his second being the same as the first of Aurelian. The second year must then be 269/70, and Claudius is given only two years in order to reconcile the chronology with the official system.

All these papyri, then, date the first Egyptian year of Claudius as 29. viii. 268/9, whereas the coins date it as March, 28. viii. 268. Oppermann supposes that Porphyry is employing the same system as the papyri. But, before agreeing to this theory, we must notice that in the case of all the papyri quoted, except Oxyr. IX 1208, the date was written at or near the time when it was current, and therefore these papyri at any rate are not necessarily evidence for the use of a system retaining this confusion of dates at a later period. Moreover, in Oxyr. IX 1208 the date quoted in section 11 was presumably actually written on the will referred to and the mention of it here may very well be merely a copy from that (possibly the words ὃ ἐγέ[νετο] α[ἔτος] Αὐρηλιανοῦ were added on the drawing-up of the affirmation to remove any doubt about what was meant by the second year of Claudius), and therefore here, too, the papyrus does not prove that this system of reckoning was in common use at a later date.

The confusion in Egypt about the chronology of Claudius may well have been due, as Oppermann suggests,²⁹ to the confusion caused by the reigns of Zenobia and Vaballathus. But this confusion would surely have been cleared up and only the official system of chronology, as given in the coins, employed by the time Porphyry wrote the *Vita Plotini*, that is, not earlier than the year 28. viii. 300/1 on Oppermann's own reckoning.³⁰ Porphyry may then have been preserving the papyri version of the date of the accession of Claudius, but, failing any evidence for the use of this version at so late a date (with the exception of the very doubtful evidence of Oxyr. Pap. IX 1208), it

²⁹ *Op. cit.*, p. 37, referring to A. Stein, *Archiv f. Papyrusforschung*, VII (1924), 30 ff.

³⁰ *Op. cit.*, p. 53, arguing from the statements in the *Vita*, chap. xxiii, p. 31, ll. 32 ff. (see *infra*).

seems very unlikely. But since we cannot prove that he did not use it, we cannot on this ground definitely reject Oppermann's theory that Porphyry is using Egyptian years.

b) We shall later show the failure of Oppermann's claim that no other system of reckoning except the Egyptian makes the dates given by Porphyry consistent with one another and with our external knowledge of the chronology of the period.

c) The fact that the Egyptian year always began on the same date is an argument in favor of Porphyry's having used it, but is of no very great weight in itself.

We have not, then, been able to disprove Oppermann's contention that Porphyry is using Egyptian years, though we have been able to cast serious doubt upon it.

4. Finally, we have to consider the possibility that Porphyry was reckoning by the year beginning on the *dies imperii* of the emperor. Oppermann claims to have proved this impossible,³¹ but in doing so he has made the assumption that, if by regnal years Porphyry meant the years beginning on the *dies imperii*, he must also have used the same year in counting the period of time between two events. But this does not necessarily follow. In the three cases which we have considered, where the regnal year always begins on the same fixed date, it would be natural to suppose that the same year would be used for this latter purpose. But if the regnal years which Porphyry employed did not begin on a fixed date, but on a different date for each emperor, the situation is very different. If he employed this same year in counting the period of time between two events, it would make his account hopelessly confused. For, when he gave the length of time between two events, it would not merely be the first and the last years which would be of uncertain length, but a number of years in the middle of the period would be so too. Against the use of the year consisting of each period of twelve months after the event (the last year not necessarily consisting of the full twelve months) as the basis for counting the period of time between two events, there would be the objection that in many cases Porphyry cannot have known the exact date on which an event took place (a difficulty which is not so serious when the unit is the year, not the month, as in this case). In these circum-

³¹ *Op. cit.*, p. 35, n. 1.

stances it would not be surprising if Porphyry, in counting the length of time between two events, took some fixed date as the beginning of the year. If we suppose that for this purpose he chose the first of January,³² then all the dates which he gives are consistent with one another and with our external knowledge of the chronology of the period.

The first statement which Porphyry makes on the chronology of Plotinus is:

[sc. Πλωτῖνος] ἀφῆκε τὸ πνεῦμα ἔτη γεγονώς, ὡς ὁ Εὐστόχιος ἔλεγεν, ἕξ τε καὶ ἐξήκοντα, τοῦ δευτέρου ἔτους τῆς Κλαυδίου βασιλείας πληρουμένου . . .³³ ἀναψήφίζουσι δὲ ἡμῖν ἀπὸ τοῦ δευτέρου ἔτους τῆς Κλαυδίου βασιλείας εἰς τοῦπίσω ἔτη ἕξ τε καὶ ἐξήκοντα ὁ χρόνος αὐτῷ τῆς γενέσεως εἰς τὸ τρισκαίδέκατον ἔτος τῆς Σενήρου βασιλείας πίπτει (chap. ii, p. 4, ll. 29 ff.).

Since Claudius II was proclaimed emperor about March, 268, his second regnal year on this system would be about March, 269/70. Plotinus, then, must have died shortly before March, 270; and sixty-six years before this, counting inclusively, is 205. Septimius Severus was proclaimed emperor 13. iv. 193, and so his thirteenth year would be 13. iv. 205/6. Porphyry, having calculated that Plotinus was born sometime in 205 and wishing to express this in terms of the regnal years of Septimius Severus, would naturally say that he was born in the thirteenth year, which is the year which most nearly coincides with 205.

The next chronological statement which contains a reference to external events is Γορδιανοῦ δὲ τοῦ βασιλέως ἐπὶ τοὺς Πέρσας παριέναι μέλλοντος δούς ἑαυτὸν τῷ στρατοπέδῳ συνεισῆει ἔτος ἤδη τριακοστὸν ἄγων καὶ ἔννατον (chap. iii, p. 6, ll. 1 ff.). It would be natural to suppose that Plotinus joined the forces of Gordian after they had reached Syria, that is, probably early in 324. If Plotinus was in his thirtieth year in 243, he must have been born in 205 and this agrees with

³² The first of January had, of course, been for long the beginning of the civil year. On that date the consuls entered upon office; cf. *Fast. praen.* (the first of January), *CIL*, I, 231: [ann]us no[uius incipit], quia eo die mag[istratus] ineunt; quod coepit p[ro]st[itu]t[um] R[omani] c[on]ditam a[n]no 601 (=153 B.C.). Cf. Mommsen, *CIL*, I, 296. Whether the date here given for the change to the first of January as the beginning of the civil year is correct or not is irrelevant to our present purposes.

³³ Chap. vi, p. 11, ll. 23: ἀρχομένου δὲ τοῦ δευτέρου [sc. ἔτους], ὅτε καὶ μετ' ὀλίγον θνήσκει.

our foregoing conclusion: καὶ Φιλίππου τὴν βασιλείαν κρατήσαντος τεσσαράκοντα γεγονώς ἔτη εἰς τὴν Ῥώμην ἀνεισιν (*ibid.*, ll. 7 ff.).

Philip acceded in March, 244, and Plotinus most probably came to Rome before the end of that year. If Plotinus was in his fortieth year in 244, he must have been born in 205, and this again agrees with our earlier conclusions.

καὶ οὕτως ὄλων ἐτῶν δέκα διετέλεσε, συνῶν μὲν τισι, γράφων δὲ οὐδέν (*ibid.*, ll. 20 ff.).

ἀπὸ μέντοι τοῦ πρώτου ἔτους τῆς Γαλιήνου ἀρχῆς προτραπείς ὁ Πλωτίνος γράφειν τὰς ἐμπιπτούσας ὑποθέσεις (chap. iv, p. 7, ll. 14 ff.).

If Plotinus came to Rome in 244, his tenth year there would be 253. The first year of Gallienus is (?) September, 253/4. Therefore, there is no inconsistency here.³⁴

προσῆλθε δὲ αὐτῷ ὁ Ἀμέλιος τρίτον ἔτος ἄγοντι ἐν τῇ Ῥώμῃ κατὰ τὸ τρίτον τῆς Φιλίππου βασιλείας ἔτος καὶ ἄχρι τοῦ πρώτου ἔτους τῆς Κλαυδίου βασιλείας παραμείνας ἔτη ὅλα συγγέγονεν εἴκοσι καὶ τέσσαρα (chap. iii, p. 6, ll. 25 ff.).

If Plotinus came to Rome in 244, his third year there would be 246 (which largely coincides with the third regnal year of Philip). Amelius' twenty-fourth year with Plotinus would then be 269. The first year of Claudius is about March, 268/9. Here, too, there is no inconsistency.³⁵

τῷ δεκάτῳ δὲ ἔτει τῆς Γαλιήνου βασιλείας ἐγὼ Πορφύριος ἐκ τῆς Ἑλλάδος μετὰ Ἀντωνίου τοῦ Ῥοδίου γεγονώς καταλαμβάνω μὲν τὸν

³⁴ Porphyry, of course, does not say that Plotinus began to write in his tenth year at Rome. It would be most natural to assume that he means that Plotinus began to write in his eleventh year, i.e., 254, most of which falls in the first year of Gallienus.

For ὄλων cf. chap. iii, p. 6, l. 4, and chap. ix, p. 15, l. 24. In the second of the examples here referred to the word cannot possibly mean "entire" and in the first it most probably cannot. But in all the passages where it occurs in this usage in the *Vita* the meaning "in all" would be very suitable. It is possibly used in the same sense by Eusebius (e.g., *Hist. eccl.* vi. 34: Ἐτεσιν δὲ ὅλοις ἐξ Ὀρδανίου τὴν Ῥωμαίων διανύσαντος ἡγεμονίαν). But cf. Lawlor *Eusebiana*, pp. 198 f.

³⁵ If our system of reckoning is correct, Amelius must have left Plotinus in the early part of 269. It might possibly be objected that he would be most likely to leave in the summer, when Plotinus suspended his teaching (chap. v, p. 9, ll. 14: τοῦ Πλωτίνου τὰς θερινὰς μὲν ἄγοντος ἀργούς, συνόντος δὲ ἄλλως ἐν ταῖς ὁμιλίαις).

But we know that Plotinus finally left Rome in 269 (chap. ix, p. 15, ll. 24 f.) and that he did so because of his illness (chap. ii, p. 4, ll. 14 ff.). There is, then, no reason to suppose that Plotinus continued teaching until the summer of 269 and no reason to assume that Amelius remained in Rome until the summer. There is, therefore, no objection against our theory here.

'Αμέλιον ὀκτωκαιδέκατον ἔτος ἔχοντα τῆς πρὸς Πλωτίνων συνουσίας (chap. iv, p. 7, ll. 5 ff.).

ἦν δὲ ὁ Πλωτίνος τῷ δεκάτῳ ἔτει τῆς Γαλιήνου βασιλείας ἀμφὶ τὰ πεντήκοντα ἔτη καὶ ἑννέα (*ibid.*, ll. 11 ff.).³⁶

ἐγὼ δὲ Πορφύριος τὸ πρῶτον αὐτῷ συγγέγονα αὐτὸς ὧν τότε ἑτῶν τριάκοντα (*ibid.*, ll. 13 ff.).

The tenth year of Gallienus is (?) September, 262/3. If Amelius arrived at the school of Plotinus in 246, his eighteenth year with him would be 263. If Plotinus was in his fifty-ninth year in 263, he must have been born in 205. If Porphyry was in his thirtieth year in 263, he must have been born in 234 (i.e., supposing that he counted the years of his own life as beginning on the first of January).

συγγεγονῶς δὲ αὐτῷ τοῦτό τε τὸ ἔτος καὶ ἐφεξῆς ἄλλα ἔτη πέντε—ὀλίγον γάρ τι πρότερον τῆς δεκαετίας ἐγεγόνειν ὁ Πορφύριος ἐν τῇ 'Ρώμῃ (chap. v, p. 9, ll. 11 ff.).³⁷

ἐν δὲ τῇ Σικελίᾳ διατρίβοντός μου—ἐκεῖ γὰρ ἀνεχώρησα περὶ τὸ πεντεκαιδέκατον ἔτος τῆς βασιλείας Γαλιήνου—ὁ Πλωτίνος γράψας πέντε βιβλία ἀπέστειλέ μοι ταῦτα (chap. vi, p. 11, ll. 7 ff.).³⁸

ταῦτα μὲν οὖν τῷ πρώτῳ ἔτει τῆς Κλαυδίου πέμπει βασιλείας (*ibid.*, ll. 22 ff.).

If Porphyry came to Plotinus in 263, his sixth year with him would be 268. The fifteenth year of Gallienus is (?) September, 267/8. The first year of Claudius is about March, 268/9, and so Plotinus would have had time to write these essays and send them to Porphyry in the first year of Claudius.

In all these statements, then, we do not involve Porphyry in any inconsistency if we suppose that by regnal years he means the years beginning on the *dies imperii* of the reigning emperor and that the years which he employs in counting the period of time between two events are the years beginning on the first of January.

If this was the system of reckoning which Porphyry employed, then the other events which he dates, without reference to any external system of chronology, are dated as follows: προσφοιτᾶν μὲν γὰρ τῇ

³⁶ Cf. chap. iv, p. 9, ll. 9 f.: πεντηκοστὸν δὲ καὶ ἑνατον ἔτος ἦγε τότε ὁ Πλωτίνος (for ἀμφὶ see below, p. 257).

³⁷ Cf. chap. iv, p. 9, ll. 15 f.: ἐν δὴ τοῖς ἑξ ἔτεσι τούτοις, and chap. v, p. 11, ll. 1 f.: ἐν τῷ ἐξαέτει χρόνῳ τῆς παρουσίας ἐμοῦ Πορφυρίου. On the *decennalia* see below, pp. 255 f.

³⁸ On *περί* see *infra*, p. 257.

τροφῶ καίπερ εἰς γραμματοδιδασκάλου ἀπρόντα ἄχρις ὀγδοῦ ἔτους ἀπὸ τῆς γενέσεως ὄντα (chap. iii, p. 5, ll. 15 ff.). If Plotinus was born in 205, his eighth year would be 212: εἰκοστὸν δὲ καὶ ὀγδοὺν ἔτος αὐτὸν ἄγοντα ὁρμῆσαι ἐπὶ φιλοσοφίαν (*ibid.*, ll. 20 ff.). The twenty-eighth year of Plotinus would be 232: ἑνδεκα γὰρ ὄλων ἐτῶν παραμένων τῷ Ἀμμωνίῳ συνεσχόλασε (*ibid.*, p. 6, ll. 4 f.).

Porphry does not tell us exactly when Plotinus came to Ammonius or exactly when he left him. He must have come some time not earlier than 232, and he must have left at latest early in 243 (the year probably in which he joined the expedition of Gordian): διὸ εἴκοσι καὶ ἕξ ἐτῶν ὄλων ἐν τῇ Ῥώμῃ διατρίψας . . . (chap. ix, p. 15, ll. 24 f.). If Plotinus came to Rome in 244, he must have left it in 269.³⁹ ᾧ δὲ καὶ ἐγὼ Πορφύριος ἄπαξ λέγω πλησιάσαι καὶ ἐνωθῆναι ἔτος ἄγων ἐξηκοστὸν τε καὶ ὀγδοὺν (chap. xxiii, p. 31, ll. 32 ff.). If Porphyry was born in 234, his sixty-eighth year would be 301. This gives us the *terminus post quem* for the writing of the *Vita Plotini*.

There is, then, no inconsistency involved if we suppose that Porphyry is reckoning on this system, whereas, if we suppose that he is employing either tribunician years or Egyptian regnal years, there are inconsistencies (though in the case of the Egyptian years there is a plausible way of getting over the inconsistency). There is, thus, on this ground a fair degree of probability that Porphyry used this system.

But it may be objected that there is no evidence for a general use of such a system in the ancient world.⁴⁰ This is a difficulty, but not, I think, a very serious one. It is obvious that Porphyry wished to give an account of the life of Plotinus in which the dates would be as exact as possible, and we may assume that he also wished this account to be understood as widely as possible. There would then be several external standards of reference which he might have used in giving dates; he might have used consular years, or tribunician years, or the Egyptian or the Syro-Macedonian regnal years, or the years beginning on the *dies imperii*. There would be objections of greater or less weight

³⁹ See n. 34.

⁴⁰ I do not feel sure that a careful examination of other historians might not produce evidence for such a system. In particular I think that Eusebius in the *Historia ecclesiae* may possibly have had some such system in mind.

against all of these: consular years would be intelligible only if the reader had a very good memory or had a calendar of some sort in front of him (they were really only suitable for use in purely annalistic works); tribunician years perhaps, in the third century at any rate, did not always begin on the same date;⁴¹ both the Egyptian and the Syro-Macedonian regnal years (if Porphyry considered the possibility of their use at all) were probably employed only in a limited area of the empire; and the year beginning on the *dies imperii* began on a different date for each emperor. If Porphyry did consider all these alternatives, he may easily have rejected consular years because of the knowledge required for their comprehension and the Egyptian and Syro-Macedonian years because of the limited area of their use. That would leave him with tribunician years and the *dies imperii* years. Since there may have been no fixed date for the beginning of the tribunician year in all cases in the third century and since the date of an emperor's accession would be more likely to be known than the date on which he received the *tribunica potestas*, Porphyry may for that reason have rejected tribunician years in favor of the years beginning on the *dies imperii*. On the probabilities of the case, then, it would seem most likely that Porphyry would use the *dies imperii* years or possibly the tribunician years. But we have already seen that he did not use tribunician years; so here, too, the probability is in favor of the *dies imperii* years. It is possible that Porphyry himself invented the details of the system.

Possibly a further argument in favor of this system may be found in chapter v of the *Vita*:

συγγεγονώς δὲ αὐτῷ τοῦτο τε τὸ ἔτος καὶ ἐφεξῆς ἄλλα ἔτη πέντε—
ὀλίγον γὰρ τι πρότερον τῆς δεκαετίας ἐγεγόνειν ὁ Πορφύριος ἐν τῇ
Ῥώμῃ, τοῦ Πλωτίνου τὰς Θερινὰς μὲν ἄγοντος ἀργούς (p. 9, ll.
11 ff.) (cf. chap. iv, p. 7, ll. 5 ff.). τῷ δεκάτῳ δὲ ἔτει τῆς Γαλιήνου
βασιλείας ἐγὼ Πορφύριος ἐκ τῆς Ἑλλάδος μετὰ Ἀντωνίου τοῦ Ῥοδίου
γεγονώς. . . .

This is the only place in the *Vita* where Porphyry makes any direct reference to any of the systems of chronology which we have considered. The decennial festival of Gallienus fell about September, 263, on the tenth anniversary of the accession of Valerian.⁴² If Porphyry is

⁴¹ E.g., "L. de Regibus," *Historia*, VI (1932), 604-11.

⁴² Cf. n. 18.

using Egyptian years, τοῦτό τε τὸ ἔτος will have to mean "what was left of the tenth Egyptian year of Gallienus, that is, the year ending 28. viii. 263." But if the *decennalia* fell in September, 263 (i.e., after the end of the tenth Egyptian year of Gallienus), it is surely unlikely that Porphyry, in order to explain more fully what he meant by τοῦτό τε τὸ ἔτος, would say that he arrived in Rome at little before the *decennalia* (which on this account would occur in the next year). Of course, it is possible that the parenthesis has no special reference to the context, but then why refer to the *decennalia* at all?

The statement would be much more natural if we assumed that Porphyry is using the system of reckoning which we have suggested. Then τοῦτό τε τὸ ἔτος is a year (not necessarily a full year of twelve months) beginning some time in the tenth year of Gallienus and ending on the next thirty-first of December. But this might be either the year ending 31. xii. 262 or the year ending 31. xii. 263 and so, to make it clear just what year he means, Porphyry says that he arrived shortly before the decennial festival, that is, the end of Gallienus' tenth year. This would show that by τοῦτό τε τὸ ἔτος was meant the year from his arrival in August or September, 263, until 31. xii. 263.

In the same passage there is a further point which increases the probability that Porphyry is using the system which we have suggested, not the Egyptian regnal years: Porphyry states (presumably as the reason why he arrived in Rome only a short time before the *decennalia*) that Plotinus did not conduct the school in the summer; yet Porphyry did apparently attend the school of Plotinus in the tenth year of Gallienus.⁴³ Is it not more probable that Plotinus would resume his teaching after rather than before the twenty-eighth of August? If it were after the twenty-eighth of August, then it would be in the eleventh Egyptian year of Gallienus, though, until some time in September, it would still be in the tenth *dies imperii* year.

If it was for the reason which we have suggested that Porphyry referred to the *decennalia*, then there is possibly a similar reason for

⁴³ Cf. chap. iv, *init.*, p. 7; *ibid.*, *fin.*, p. 9; and chap. v, *init.*, p. 9. It is noticeable, however, that in none of these passages does Porphyry say in so many words that he joined Plotinus in the tenth year of Gallienus; all he says is that he arrived in Rome in the tenth year. If we were to suppose that he joined Plotinus in the eleventh year, it would be only on our system that we could explain the remarks which he makes about the number of years which he spent with Plotinus.

the use of *πληρουμένου* in giving the date of Plotinus' death: ἀφῆκε τὸ πνεῦμα . . . τοῦ δευτέρου ἔτους τῆς Κλαυδίου βασιλείας πληρουμένου (chap. ii, p. 4, ll. 29 ff.). Before we could count back sixty-six years from the date of Plotinus' death, we should have to know whether he died in that part of Claudius' second year which fell before 31. xii. 269 or in the part after that date.

Again, there are various other minor points in the language of the *Vita* which might best be explained on the assumption that Porphyry is employing the system which we have suggested: ἦν δὲ ὁ Πλωτίνος τῷ δεκάτῳ ἔτει τῆς Γαλιήνου βασιλείας ἀμφὶ τὰ πενήκοντα ἔτη καὶ ἑννέα (chap. iv, p. 7, ll. 11 ff.).⁴⁴ Here ἀμφὶ seems strange. If Porphyry means that Plotinus was in his fifty-ninth year, why does he say "about his fifty-ninth year"? There is a plausible explanation: On our system the tenth year of Gallienus is (?) September, 263/3, and the fifty-ninth year of Plotinus is 263. The two years, then, do not exactly coincide, and that may be the reason why Porphyry uses the vaguer phrase ἀμφὶ τὰ πενήκοντα ἔτη καὶ ἑννέα. Plotinus was in his fifty-ninth year during most of the tenth year of Gallienus, but not during the whole of it.

Possibly there may be a similar explanation for *περί* in chapter vi, p. 11, ll. 7 ff.: ἐκεῖ γὰρ ἀνεχώρησα περὶ τὸ πεντεκαίδεκατον ἔτος τῆς βασιλείας Γαλιήνου. Porphyry has said just above (chap. v, p. 11, ll. 1 f.): ἐν τῷ ἑξαέτει χρόνῳ τῆς παρουσίας ἐμοῦ. He may here be thinking rather of his own sixth year at Rome and, since that does not exactly coincide with the fifteenth year of Gallienus, he uses *περί*. In this case, however, the explanation is not so convincing.

These minor points increase the probability of Porphyry's having used the system which we have suggested. But a definite proof seems to be impossible. All that we have been able to do is to show that the balance of probabilities seems to be in favor of our system.

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⁴⁴ Cf. chap. iv, p. 9, ll. 9 f., quoted above, n. 36.

NOTES AND DISCUSSIONS

NOTES ON LUCRETIIUS II. 479-82

... primordia rerum
finita variare figurarum ratione.
quod si non ita sit, rursum iam semina quaedam
esse infinito debebunt corporis auctu.

There is general agreement with respect to the main points in the interpretation of these verses and of the succeeding verses (483-99), wherein the proof is adduced. Whereas Leucippus and Democritus had postulated an infinite number of atomic shapes, Epicurus, followed by Lucretius, holds the number of shapes finite and the number of atoms of each shape infinite. The proof is based on the theory of *partes minimae* (i. 599-634). Since each atom has a finite number of such inseparable parts, and since the possible variations in the position and ordering of these parts are finite, the resultant possible variations in the shape of atoms of a given size (i.e., of a given number of *partes minimae*) are finite,¹ and further varieties of shape are possible only with an atom of different size (i.e., consisting of a different number of *partes minimae*). Since there is a lower limit to the number of *partes minimae* (there surely cannot be less than one such part), it follows that, on the assumption of an infinite number of atomic shapes, there will be an infinite series of sizes culminating in an atom of infinite size.² But since no single atom is visible, not to say infinite in size, we must assert that the number of atomic shapes is finite, though incomprehensibly large to account for the great variety of things.

Such is the Epicurean analysis,³ and because of the dependence of the theory of *partes minimae* on the analogy of the *minimum visibile* (Epicurus *Ad Herodotum* 58-59) the analysis is consistent with and ultimately based on

¹ The permutations described by Lucretius (484) do not, strictly speaking, alter the shape of the atom (see A. Brieger, *Neue Jahrbücher für Philologie*, III [1875], 630-32). The possible permutations are to be understood in some such way as Cyril Bailey (*The Greek Atomists and Epicurus* [Oxford, 1928], p. 287) and Giussani, *ad loc.*, following Brieger, suggest.

² So Lucretius. Epicurus merely says "visible" (*Ad Herodotum* 56).

³ The chief source is Epicurus *op. cit.* 42, 55-59. On the theory of *partes minimae* see also C. Giussani, *Studi Lucreziani* (Torino, 1896), pp. 56-75, and C. Pascal, *Studi critici sul poema di Lucrezio* (Roma, 1903), pp. 48-57. The other ancient sources for the doctrine of atomic shapes are indicated in the editions of Epicurus and Lucretius. Note especially Philoponus *In Arist. De gen. et corrupt.*, p. 12, ll. 2-9 (Vitelli).

the fundamental tenet of Epicureanism—the primacy of sensation.⁴ Various subsidiary points, however, require further discussion.

1. It is held⁵ that the position of Leucippus and Democritus was in fact untenable, that the assumption of infinite shapes must lead to atoms of infinite size, that Leucippus and Democritus failed to appreciate this,⁶ and that Epicurus' departure was logically required. The question whether the charge is or is not justified seems to me to turn on whether the atomism of Leucippus and Democritus was confined to the atoms themselves (indivisible, at least for Democritus, because absolutely hard), or was extended to space, motion, and, by inference, time. If space⁷ in the Democritean system is an infinitely divisible continuum in the Aristotelian sense (*Physics* vi. 1), then between any two determinate forms of atoms of given size (volume) having as cross-sections, let us say, a square and a parallelogram, respectively, of equal bases and altitude,⁸ a number of atomic forms greater than any assignable finite number, each such form having the same volume, may be interpolated. The number of possible atomic shapes would then be an infinite of the potential type discussed by Aristotle (*Physics* iii. 6). It is in this light that we should then have to read the passages (Simplicius *In Arist. Phys.*, p. 28, ll. 9–10, 25–26 [Diels]) in which it is asserted that the reason why Leucippus and Democritus postulated an infinity of atomic shapes is that "nothing is such rather than such" (*οὐδὲν μᾶλλον τοιοῦτον ἢ τοιοῦτον εἶναι*), which, from the context, may be taken to mean that every conceivable shape is possible. Bailey (*op. cit.*, p. 81) and Gomperz (*Greek Thinkers*, I, 351–52 [Eng. trans.]) fail to see that their criticism of this reasoning is valid only if Leucippus and Democritus be understood as holding that the number of shapes *must*, as a matter of fact, be infinite in any given world and at any given time. But the argument of Leucippus and Democritus does permit the conclusion that the number *may* be, so far as the internal consistency of their system is concerned, greater than any assignable number, which is, for the present discussion, the important point. They might go on to combine this conclusion with propositions as to the type of actualization to which potentials of infinite divisibility are subject in an infinity of worlds and of time, but this need not concern us now.

To leave aside, for the moment, the question whether space is an infinitely

⁴ See Bailey, *op. cit.*, pp. 285–89.

⁵ E.g., *ibid.*, pp. 81–82, 127–28.

⁶ For Leucippus held that all atoms are invisible, and Democritus, though he removed this restriction, still could not hold that an atom might be infinite.

⁷ The much-discussed question of the relations of *κενόν*, *τόπος*, and *χώρα* in atomistic philosophy need not detain us here as it will not affect the present argument, which turns on whether (for Democritus) the atom moves continuously and so may occupy every conceivable position.

⁸ I.e., between $ABCD$ and $ABC'D'$ in the accompanying figure:



divisible continuum in the Democritean system, surely for Epicurus (and Lucretius) discontinuity is characteristic of space, time, and motion, as well as of matter (Bailey, *op. cit.*, pp. 285, 293-94, 315).⁹ The interpolation of an infinite series of atomic forms between any two determinate forms (to return to the figure of n. 8) is theoretically as well as practically impossible in such a system. If, again, it be assumed that AB is the minimum linear measure, the attempt to construct an infinite series of parallelograms of equal area on base AB and with sides $AD' (= BC')$ varying so that their lengths are successive integral multiples of the unit AB ¹⁰ would fail in the Epicurean system, for not only would it eventually involve the infinite divisibility of a finite space, but at a certain point AD' would become large enough to be visible.

Returning now to Democritus, we find it held in certain recent studies¹¹ that in his system, too, space is discontinuous; that is to say, nonmaterial magnitude is not infinitely divisible. To this view I cannot subscribe, for not a single early source clearly connects Democritus with the type of "mathematical atomism" here involved. Aristotle, though he criticizes the material atomism of Democritus, seems to me to dissociate Democritus from any application of "mathematical" atomism to physical space (cf. *De generatione et corruptione* 315b. 28-30, 316a. 11-14). Surely it is unsound to base an argument¹² upon the ascription to Democritus of a view expressly ascribed by Aristotle (*Metaphysics* 998a. 2-4) to Protagoras, not to Democritus. Our tradition of Democritus is that of a mathematician deeply interested in the knotty problems and paradoxes of continuity;¹³ quite otherwise is the case of Protagoras who, in the development of the empiricist position, cuts the knot by ousting pure mathematics from consideration in favor of the doctrine of "man, the measure." It is in this respect, at least, that Protagoras, not Democritus, is the predecessor of Epicurus. The thoroughgoing atomic "solution" of the paradox of Achilles and the Tortoise—the "solution" based on the denial of the infinite divisibility of space, time, and motion¹⁴—would be accepted by Protagoras and Epicurus but not, I think, by Democritus.

⁹ The conjecture (p. 315) of a minimum unit of motion as the motion of an unimpeded atom in a unit of time resembles certain aspects of the modern theory of quanta.

¹⁰ Such a series may be constructed mathematically by permitting angle $D'AB$ to be, successively, the angle whose sine is $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$,

¹¹ See, e.g., S. Luria, *Die Infinitesimaltheorie der antiken Atomisten*, Quellen u. Studien zur Gesch. der Mathematik, II, Abt. B (1933), 106-85. E. Frank seeks to distinguish Democritus' conception of mathematical space from his conception of physical space (*Platon u. d. sogenn. Pythagoreer* [Halle, 1923], p. 53).

¹² As does Frank, *op. cit.*, p. 351, followed by R. Mondolfo, *L'Infinito nel pensiero dei Greci* (Firenze, 1934), p. 182, n. 1, and V. Alfieri, *Gli atomisti* (Bari, 1936), pp. 199, n. 502, and 343, n. 608.

¹³ See T. L. Heath, *A History of Greek Mathematics* (Oxford, 1921) I, 176-81, and sources there referred to.

¹⁴ In terms of a more modern type of atomism the argument is as follows: "Just as it is not true that unlimited division of a quantity of water will always yield water, so

2. Democritus, though not Leucippus, seems to have held that some atoms might be as large as a world, at all events that some were "very large."¹⁵ If the view which I have set forth above is correct, this development of Democritus is not to be construed (as Bailey does, *op. cit.*, p. 127) as a partial avoidance of the difficulty which Epicurus was later to avoid completely and in the manner described above—the difficulty of restricting the atoms to the realm of the invisible, if atomic shapes are infinitely numerous. For (a) if Democritus admitted the validity of an argument such as Epicurus (and Lucretius in the verses under discussion) subsequently framed, he would have to admit that it would eventually make possible an atom the size not merely of a world but of the whole universe,¹⁶ and necessitate a return (save for the question of the finiteness of the universe) to the Parmenidean system from which atomism was, in its origin, an escape; and (b) as we have already seen, there was no theoretic reason why Democritus should have to limit the number of atomic shapes. We must understand, then, the allusion to large atoms as a proposition of theoretic possibility, for with Democritus absolute hardness or absence of void, not smallness, is the criterion of atomicity.

3. With regard to the *partes minimae*, it seems to me unsafe to assume¹⁷ from Lucretius ii. 485 f. that three is the smallest number of such parts that the atom may possess. Clearly Lucretius says "three or a few more" by way of illustration (*fac enim . . .*), and the reader will better grasp the finiteness of the number of permutations when small numbers are used. On the upper limit of the number of *partes minimae* in the range of atomic sizes in the Epicurean system we have no definite information. But if the total number of shapes, while finite, is to be "incomprehensibly large" (*ἀπερίληπτοι*, *Ad Herodotum* 42),¹⁸ and if from *τινας* in the phrase *παρὰλλαγὰς τινὰς μεγέθων* (*Ad Herodotum* 55) one may gather that the number of different sizes was relatively small, it would follow that the number of *partes minimae* (*πέρατα*) in the larger atoms was relatively large.¹⁹

it is not true that unlimited division of a quantity of motion will always yield a remainder that can be characterized as motion. If this proposition be admitted, the paradox vanishes" (Hilbert-Bernays, *Grundlagen der Mathematik* [Berlin, 1934], p. 16).

¹⁵ Aëtius *Plac. phil.* i. 12. 6; Dionysius *ap. Eus. Praep. ev.* xiv. 23. 3 (Diels, *Die Fragmente der Vorsokratiker*⁵ [Berlin, 1935], Demokritos A 47; A 43).

¹⁶ The latest edition of Liddell-Scott inadvertently translates *κοσμοῦσαν* (of the Aëtius passage) "of the size of the universe," but the word cannot, in this context, refer to the universe.

¹⁷ As do Munro, *ad loc.*, and Giussani, *op. cit.*, p. 56, n. 1.

¹⁸ *ἀπερίληπτοι* is "incomprehensible in number" (but finite), as Bailey and the editors generally interpret it. The context is against the interpretation "indefinite." The incomprehensibility is of the same type that we ascribe to certain (finite) physical and astronomical magnitudes of modern science.

¹⁹ Bailey's note on *Ad Herodotum* 59. 5, "Epicurus conceived the normal atom as consisting of three or four *πέρατα*: cf. *Lucr. ii. 485ff.*" needs some modification (or explanation as to what a "normal atom" is). Does not *Lucr. i. 605-10* suggest a larger number?

4. Since the Epicurean analysis in connection with the finiteness of atomic shapes is typical of the whole system, some additional comment may be ventured. (a) The analysis seeks to escape some of the (not unanswerable) strictures of the Aristotelian school against Democritean atomism, to eliminate all abstractive and mathematical principles, and to avoid every conceptualistic approach in favor of an approach based, as we have seen, on an analogy from the perceptible. In this there is not only no avoidance of the arguments against indivisibles but an accumulation of new difficulties. Since for Epicurus the *pars minima* is not only the ultimate unit of measure in the physical world but incapable, even conceptually, of division into fractions, the Aristotelian arguments about parts of atoms may now be repeated about parts of *partes minimae*, etc.

b) How is the same unit of measure to be applied, e.g., to a rectilinear (such as a cubic) atom and to a spherical atom? The answer lies in the fact that, for Epicurus, pure mathematical form is entirely out of the question and, since perfect spheres and cubes have no physical existence, no argument from mathematical incommensurability may be raised. In this connection we again recall Protagoras and the conjecture (cf. Burnet, *Greek Philosophy*, Part I [London, 1914], p. 114) that it was precisely with reference to the strife over incommensurability that the doctrine of "man, the measure" was first enunciated.

c) Epicurus asserts that, of any given atomic shape and size, the number of atoms is infinite (*Ad Herodotum* 42). If we are not dealing with a purely mathematical shape, e.g., a perfect sphere or a perfect cube, for the reason given in (b) above, is it to be assumed that every one of the infinite number of atoms of the given shape and size deviates in precisely the same way and amount from the mathematical shape? If so, it is hard to see how we can escape dealing with deviations which are smaller than a *pars minima*. If, however, the deviations are not in each case identical, is it not true that the identity of each of the atoms under consideration in respect to size and shape is not absolute but one asserted for practical purposes through the disregard of differences smaller than the unit of measure—the minimum part? If that is the case, do we not have an admission that the number of different atomic shapes is infinite in fact, though not in theory?²⁰

d) The sterility of the Epicurean science that resulted from the deliberate divorce of the system from the rational approach of abstraction and mathematics—a sterility best seen in the cosmological and meteorological portions²¹ of the system—should not lead us to condemn a system which did not con-

²⁰ Not in theory because these questions theoretically have no meaning in Epicureanism since they assume entities unknown to that system.

²¹ Where rival hypotheses which have only a *prima facie* agreement with the phenomena are accorded equal weight without any insistence on further testing and elimination.

cern itself primarily with what we call "progress" in physical science. The work of Bailey and others has well demonstrated the internal consistency of the system of Epicurus. Its bankruptcy in science is foreordained by its choice of primary assumptions. But it is better to admit bankruptcy, the Epicurean would answer the "rationalist," than to let losses run on, thinking they are gains.

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ANTIGONE 904-20

And yet in honoring you the wise will judge that I did well. If I had been the mother of children, or if a husband of mine lay mouldering in death, I would never have defied the city in undertaking this task. In deference to what law of life do I say this? If I had a husband and he died, I could get another, and if I lost his child and mine I could have another child by a second husband; but with my mother and father hidden in Hades there is no possibility of any other brother of mine ever being born. Such was my reason for honoring you, but to Creon this seemed to be a crime and outrageous daring, O my own brother! And now he has used force to arrest me and leads me away, unmarried, with no bridal song, no share in marriage or the raising of children. Thus, forsaken by my friends, wretchedly I go, still living, into the vaults of death.

A. Jacob in 1821 (*Quaest. Soph.*) first questioned the authenticity of this passage. A few years later Goethe (*Conversations of Goethe with Eckermann*, trans. John Oxenford [Everyman ed.], pp. 177 f.) called it a "blemish," voicing "a motive that is quite unworthy and almost borders on the comic," and declared "I would give a great deal for an apt philologist to prove that it is interpolated and spurious." Since that time there has been no lack of "apt philologists" engaged in the attempt. R. C. Jebb made the most formidable summary of the arguments against it (*Antigone*³, pp. 164, 258-63). The most convincing defenders have been N. P. Vlachos (*The Subject of Sophocles' Antigone*) and Gilbert Norwood (*Greek Tragedy*, p. 139). On behalf of the defense I wish to suggest a few considerations that have been neglected or insufficiently stressed by Vlachos and Norwood.

Jebb calls lines 909-12 "unworthy of Sophocles." Certain constructions are no doubt awkward, although they are not without parallel. But the allied lines 913-20 are open to no criticism whatever on stylistic grounds. Jebb also points to the close similarity to an episode related by Herodotus (iii. 119). As Vlachos has said, it seems more plausible that Sophocles, a contemporary and friend of Herodotus, should have used this material than that some later interpolator should have done so. But the chief justification for accepting the lines will be found in a passage from Aristotle and in the analysis of Antigone's character.

Aristotle, writing only a century after the production of the play, attributed this passage without question to Sophocles (*Rhet.* 1417a) and cited it to illustrate his discussion of the portrayal of character. When any detail may appear incredible, he said, the cause of it should be added, as in this instance. Without doubt Aristotle considered the lines as an example of the legitimate use of *διάνοια*—the rationalizing voiced by a tragic character to arouse the feeling of pity (*Poet.* 1450b).

This rationalization, admittedly unconvincing to any sober-minded person, is in keeping with the character of Antigone. She is not sober-minded. Not only in this play and in the *Oedipus at Colonos* of Sophocles, but also in the *Seven against Thebes* of Aeschylus and Euripides' *Phoenician Women*, Antigone is pictured as an emotionally high-strung girl, devoted above all else to her ill-fated father and brothers, with whom she closely identifies herself. Feeling rather than reason controls her actions, as the Chorus is frank in saying (383, "captured in folly"; 471-72, "passionate child of a passionate father, she does not know how to yield to misfortune"). When she attempts to justify her conduct in intellectual terms, we must expect to find her unconvincing.

Toward Polyneices this feeling is directed with special intensity. It is obviously more than religious duty that impels her to bury his body. She loves him passionately (*Antigone* 48, "my own"; 73, "I shall lie in death beloved, with him, my dear one"; 81, "my dearest brother"; 503, "my own brother"; see also *Seven against Thebes* 1037-38, and *Phoenician Women* 162-69, 1659, 1671, 1702, which indicate that this relationship was the accepted tradition).

Antigone's hatred of Creon is equally profound. Although both of them try to place their differences on a basis of principle, the essential conflict is one of deep personal antagonism. (Goethe's judgment is that "Creon by no means acts out of political virtue, but from hatred toward the dead." It is equally true that he acts out of hatred toward the living person who defies his authority, especially since that person is a woman.) And Antigone, in turn, seeing in Creon the insulter of her family, and especially of her beloved brother, exults in her scorn for him.

Her emotional antagonism extends to Creon's son, even though he is her betrothed. It is highly significant that, far from appealing to Haemon for help, she never once even mentions him. (Jebb's attribution of l. 572, "O dearest Haemon, how your father wrongs you," to Antigone instead of to Ismene is the result of his *parti pris*.) Although Haemon defies his father and kills himself for love of her, in her farewell to life Antigone calls upon Thebes, the gods, and the citizens but completely disregards her lover. The only other plausible explanations of her attitude toward Haemon are that she does not really care for him, or that the prospect of any marriage is repugnant to her in view of her mother's tragic experience. But Haemon is presented as an attractive youth, with no suggestion that Antigone dislikes him on any purely personal grounds; and in the play she frequently laments the fact that she will never be married.

As the play develops, and Antigone is faced by the imminence of death and the kindly but firm disapproval of the Chorus, her sense of security, artificially stimulated by her mood of defiance, fades into self-pity. She sees herself as the last victim of an accursed family. She constantly reminds herself and the Chorus that she will never be married (there are five references to this in ll. 824-904, indicating an obsession which may well be based on the emotional disturbance caused by the tragic outcome of her parents' marriage). Note, however, that she never once refers to marriage with Haemon; such an outcome she refuses even to consider.

In this mood, desperately needing to feel justified in the eyes of the Chorus and inwardly secure again herself, she turns to whatever argument offers itself to her distraught mind. The one she finds seems to us crude; we must remember, however, that the Greeks were very realistic in facing such questions (e.g., *Alcestis* 293 ff.; *Iphigenia in Aulis* 485 f.; Thucydides ii. 44. 3). It is surely lacking in logic. Certainly, if a husband or child of hers had died, he would be as deserving of burial as a brother, regardless of whether or not she later had another husband or son. But who could reasonably look for logical consistency in Antigone, especially at this crisis? What the psychologist finds in it is something more revealing than logic—the fact that she again asserts the prior claim of brother over husband or children. Her attempt to explain this conviction is irrational; but the significant fact is the conviction itself. She really finds much more satisfying the prospect of being with Polyneices in Hades than with Haemon on earth (559 f.) and of re-enacting his tragic fate rather than allying herself with her family's enemy. This feeling is perfectly consistent with her actions throughout the play.

In view of these considerations I believe that the passage, far from being rejected or accepted with regret, as by J. A. Symonds and D'Ooge, should be valued as one of the most effective parts of the tragedy. It reveals, not a character type, upholding eternal law, as most of the critics have pictured her, but the very human character of a great woman. Hitherto noble in her "last full measure of devotion," she now wins our pitying sympathy as she tries to find in sophistic reasoning the assurance she needs as she faces death.

If we accept this interpretation, it is obvious that Sophocles did not write the play with the chief purpose of showing the individual conscience and government in conflict. If that were so, what conclusion can be drawn when both Antigone and Creon come to a wretched end as a result of *ἀμαρτία*? Its purpose is to match two intolerant and dictatorial wills against each other; and the conclusion, typically Athenian, is that such conflicts inevitably lead to disaster (853-55, 1028, 1350-52). The way of salvation is indicated by the Chorus, Ismene, Teiresias, and especially by Haemon, the democrat and liberal, who alone makes a serious effort to apply reason to the emotionally tangled situation.

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LIVY XXIV. 26. 10

"Aversis auribus animisque† cassae, ne tempus tererent, ferrum quosdam expedientes cernebat; tum omissis pro se precibus, puellis ut saltem parcerent orare institit, a qua aetate etiam hostes iratos abstinere; ne tyrannos ulciscendo quae odissent scelera ipsi imitarentur" is the reading of the Oxford Text. *Cassae* is read by P and either *cassae* or *casse* by C, R, M, B, D, A. Of the various restorations that have been suggested, none seems altogether satisfactory. My suggestion is as follows: "Aversis auribus animisque in cassum (ut preces sunt missae), ne tempus tererent, etc." The arguments on which I base my restoration are the following: *In cassum* was originally read in the text instead of *cassae*. Some scribe, to whom the expression *in cassum* was unfamiliar, or who wished to paraphrase it, wrote *cassae* in the margin. This later crept into the text, displacing the original *in cassum*. In supplying *ut preces sunt missae* I have adopted the suggestion offered by Conway and Walters in the critical apparatus of the Oxford Text, namely, that a line of the archetype comprising eighteen letters has been lost. Assuming that *cassae* is now in the text, and that a line in the archetype is eighteen letters long, the argument proceeds as follows: The scribe in copying looked up for a moment from his task after writing *cassae*, and when he resumed his work, his eye fell on the *SSAE* of *missae* which was bound to be directly beneath the *SSAE* of *cassae*. He continued copying from that point, thus omitting the words I have supplied. The passage as I have restored it gives excellent sense and is supported by a parallel in ii. 49. 8: *in cassum missae preces*.

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NOTES ON EPICURUS: VATICAN COLLECTION

Bailey's fundamental edition of Epicurus' remains contains also the Gnomologium V which the Vaticanus 1950 has saved, and presents the sentence No. XV in the following restoration of Bignone, based on conjectures of Usener, Wilamowitz, and Weil: "Ἡθῆ ὥσπερ τὰ ἡμῶν αὐτῶν ἴδια τιμῶμεν, ἂν τε χρῆσται ἐχωμεν καὶ ὑπὸ τῶν ἀνθρώπων ζηλωμέθα [ζηλούμεθα V] ἂν τε μὴ· οὐτω χρῆ καὶ [inadvertently omitted by B] (τὰ) τῶν πέλας, ἂν ἐπιεικέως ὦσιν, with the translation which faces the text: "We value our characters as something peculiar to ourselves, whether they are good and we are esteemed by men or not; so ought we to value the characters of others, if they are well disposed to us." But Bailey adds himself: "Both the text and the exact meaning of the aphorism are doubtful." Indeed, one cannot help sharing the editor's suspicions. The truth is that, in the present diction, the antithesis between the first ἂν and the last ἂν is logically and rhetorically rather distorted; moreover, the sense of ἐπιεικής, "well disposed to us," is somewhat unusual. But, above all, the thought is notoriously contradictory to the philosopher's mild, gentle, indulgent humanity. In consequence of the traditional wording, we vindicate our characters ourselves in any case, whether they are

good or not; on the other hand, we grant our fellow-men the same pretensions solely in case they should be well disposed to us. Indeed not! That is an unfairness we can never attribute to the noble Epicurus. A very slight improvement, however, is sufficient for exonerating the passage from every offense. In the Vaticanus a good many of the terminations, mostly written by ligatures, have suffered. Now, if we read ὤμεν instead of ὤσιw, the meaning of the saying is in every way irreproachable: "So ought we to value also the characters of fellow-creatures if we are fair-minded."

I may add by the way a few words as to the heading of the collection. In the codex we read Ἐπικούρου προσφώνησις. Usener (*Wiener Stud.*, X, 190) raised objections against this title. It appears, however, worthy of notice that the verb προσφωνεῖν is used in a fragment of Aeschylus' *Niobe* (frag. 159 N²) for introducing a genuine gnome: καὶ με προσφωνεῖ τάδε[] γίγνωσκε τάνθρώπεια μὴ σέβειν ἄγαν. Hence it seems to follow that the meaning of προσφώνησις may be just the same as the unclassical "gnomologium." Nevertheless, I do not think that it is the philosopher's original title; the compilation, of course, has not been arranged by the master himself. We know, too, that similar gnomical anthologies early circulated and were used. Usener hinted at *Epicuri et Metrodori exclamationes*, quoted by Tac. *Dial.* 31. In fact, we can still point out the Gargettian's influence over the great Roman historian in the wonderful last chapter of the *Agricola*: "nosque . . . a muliebribus lamentis ad contemplationem virtutum tuarum voces," which oratorically paraphrases the aphorism No. LXVI: Συμπαθῶμεν τοῖς φίλοις οὐ θρηνοῦντες, ἀλλὰ φροντίζοντες, rightly interpreted by Bailey: "Let us show our feelings for our lost friends not by lamentation but by meditation." We also read the same thought in No. LV of the *Gnom. Vat.* Epicurus, however, on his part ultimately traces back to Simonides v. 3 D: πρὸ (= ἀντὶ) γόων δὲ μῆσταις.

VIENNA

KONSTANTIN HORNA

ID GENVS: A REJOINDER

In point of fact, it was to the classification of *uirile secus* in Livy's *liberorum capitum, uirile secus, ad X milia capta* as an accusative of description that I objected in my review of Moore's syntax. That I do maintain was properly a parenthetic nominative, out of construction with the rest of the sentence—and the neglect of the historical method is what I condemned and do condemn. But all the evidence indicates the same origin for *id genus* and the like.

It is no reason for not asking, because others will not stop to ask whether or not what they learn or teach is sense or nonsense. Why does the schoolboy halt at *id genus* in

scis me antea orationes aut aliquid id
genus solitum scribere

and the like? He does halt, for editors stop to explain ("in apposition with *aliquid*") and grammarians to quote. But why do editors stop to explain a thing so commonplace as apposition, or grammarians to explain their explana-

tions ("accusative of description"): "a genitive of description would be the normal construction" (as if a thing so commonplace were abnormal), or to remark (wrongly as it happens) "klassisch nur C. *Att.* 13, 12, 3 *aliquid id genus solitum scribere*"? Why was Lachmann persuaded to insert *est* after *quod genus* at Luer. 2. 194? The answer is simple: A determined refusal to seek or, when sought and discovered, to admit the history of the construction. Once the history was set forth, as it was twenty-six years ago if not before, what strikes the schoolboy as unreasonable became reasonable and intelligible—if only his teachers did not persist in repeating explanations that do not explain. Here and there, I know, is a glimmer of light. Take Gow on Hor. *Sat.* ii. 6. 44:

septimus octauo propior iam fugerit annus,
ex quo Maecenas me coepit habere suorum
in numero, dumtaxat ad hoc, quem tollere raeda
uellet iter faciens, et cui concedere nugas—
hoc genus, "hora quota est? Thraex est Gallina Syro par?"

Hoc genus. . . "It is regarded [my italics] as accus. and is certainly not in apposition, for Varro (*R.R.* 3.6) writes *pascuntur omne genus [obiecto] frumento [maxime hordeo]*"—which is beginning to show sense. *Hoc genus* is a parenthetical nominative, out of construction (or absolute), within the sentence in which it stands. Or take the cautious Wölflin, careful to hedge where Gow was more forthright: "Ja man ist darüber noch nicht einig, ob man in derselben einen Akkusativ [he means the adverbial accusative, or the accusative of description] oder . . . eine Apposition zu erkennen habe." A better statement by far is Brugmann's: "Bei Neutra kommt zugleich appositionelle [I should say *eingeschobene*] Zufügung zu einem Nominativ in Betracht; *id, hoc genus* 'dieser Art,' *omne genus* (auch *omnigenus*) 'aller Art,' *quod genus* 'welcher Art,' ursprünglich in Sätzen wie Cato *coronamenta, omne genus, facito ut serantur*." Clearly there is no apposition in *id genus* in Varro's in *id genus praediis* or *aliis id genus rebus*, any more than in *forsitan in despicias tu forsitan inbellis Rhodios* . . . , *despicias merito*, or in οἶμαι in ἐν οἶμαι πολλοῖς. But even if an appositional arrangement were admitted as the source of the construction, the adverbial accusative or "accusative of description" (which is Mr. Moore's classification) would be ruled out. On the other hand, the theory of the parenthetical nominative (cf. Eng. "no matter," "all the same," "this way") accounts completely for the subsequent twofold development of expressions like *id genus, hoc genus, omne genus, quod genus, uirile secus, muliebre secus*—all of which have the same history. But my point is this: Syntax that refuses to take account of historical development is not only dull and unreasonable but futile and a fraud. But trust a pedagogue to hug the traditional explanation, rational or irrational: *scio uero grammaticos etiamnunc aliquid id genus solitos scribere*. Mr. Moore's reply is no reply at all; it simply confirms (*haec exempli gratia sufficient*) what I said, that his treatment of Greek and Latin syntax is inadequate and incompetent.

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BOOK REVIEWS

European Civilization: Its Origin and Development. By VARIOUS CONTRIBUTORS under the direction of EDWARD EYRE. 7 vols. Vol. I, *Prehistoric Man and Earliest Known Societies* (reissue). Vol. II, *Rome and Christendom*. Illustrated. New York: Oxford University Press, 1935. Pp. vi+844 with 19 maps; pp. viii+696 with 15 maps.

This comprehensive work of seven volumes of solid scholarship is hardly intended for the general reader but will be welcomed by all serious students of European civilization. It presents an interpretative synthesis of the growth of European civilization from prehistoric times to today.

The first two volumes cover the ancient field. While they are the product of several scholars of different nations, and are therefore of varied style and quality, no part fails to interest or to realize in some degree the general aim, "to exhibit, with the necessary fulness but without detailed narrative, the rise of Europe and the distinctive character of European civilization." Though each scholar had full freedom and responsibility for his own section, he has largely avoided what the editor calls the "deeper vitiations" of historical writing, such as "the assumption of inevitability," "the habit of judging past events according to the way they seem to have hastened or delayed the coming of the modern world of sovereign territorial democratic states," and the emphasis upon the national and cultural "divergences" of European civilization instead of upon its "unity" as "something unique."

Volume I traces the origin and development of the earliest-known European elements and the basal contributions of Greece that entered into the formation of European civilization. "Primitive Man," by the eminent ethnologist, Wilhelm Schmidt, emphasizes the method of prehistory and historical ethnology rather than of physical anthropology and evolution. The author purposes to trace back from the undoubtedly historical races to the earlier, "determining exactly and on objective evidence the age of every type," and by comparison to "establish the actual historical succession of their appearance." He rightly emphasizes the injury done to history by the popular conception of evolution as "an undeviating progressive development along one single definite line." But his dogmatic denial of what is usually accepted as evolutionism by scholars is by no means convincing. It leads him to the very doubtful attempt to prove the existence of a relatively advanced religious and moral standard in primitive societies. At times, as here, his bias against evolutionism makes him forget his valuable principle of "methodical research" rather than "prejudice" in prehistoric investigations and causes him to fall into the very error that he criticizes, fitting the facts to a

theory. His attempt to draw a rigid line of demarcation between man and other animals, psychologically and even physically, will hardly carry conviction to most historians and scientists.

Professor J. L. Myres presents an interesting and convincing picture of the primitive cultures of the Nearer East and the Mediterranean and the development of the Indo-Europeans before the migrations, substantiated and enriched by all the archeological and other evidence. The many varied problems are handled with balance and with a refreshing freedom from dogmatism. The "geographical stage of ancient history" throughout the entire Mediterranean basin is well described, and its earlier cultures are presented not only in their distinctive features but especially in their essential unity, so as to produce a masterly synthesis. The author rejects the common theory that the "northern invaders" brought the first Greek iron as without foundation. In his chapter on the early Indo-European-speaking peoples, he emphasizes their common culture and marshals all the data from comparative philology, archeology, geography, and early institutions to distinguish their chief lines of development and distribution. He accepts the Eastern rather than the Scandinavian origin for the Nordic Indo-Europeans. It is unfortunate that the mine of valuable material in these chapters is not presented in a somewhat less forbidding style for the general reader.

The chapters by Charles F. Jeans attempt the almost impossible task of presenting a survey of all phases of the civilization of the ancient Near East, Egypt, and Greece from protohistoric times to Alexander in the brief space of one hundred and ninety pages. Despite the author's vivid and interesting style, enlivened by literary quotation, his account is therefore necessarily sketchy, lacking in detail, and oversimplified. Examples of such misleading oversimplification are on Xerxes (p. 418), Daniel (p. 408), Pergamum (p. 437), Greek intellectual life (pp. 422 f.), and Sparta (p. 423). The attempt to present the history of all the peoples of the East Mediterranean together as one chronological unit, while commendable, also adds to the impression of disconnectedness and sketchiness. The survey, however, by presenting all the cultures in their proper setting relative to each other, fulfils its purpose as a background for the more detailed treatments of Egypt and Greece that follow. The author seems to have a penchant for peculiar and sometimes impossible spellings of proper names.

Professor T. E. Peet follows with an excellent outline of the political history of ancient Egypt, but unfortunately his limited space of fifty pages gives little opportunity for adequate presentation of its cultural phases. He somewhat cavalierly dismisses the theory that places the Hebrew Exodus in the Egyptian Nineteenth Dynasty and prefers an earlier date. The chapters give a needed emphasis upon the vast gaps in our knowledge of the history of Egypt.

The stimulating account of Aegean and Greek civilization in three hundred pages by A. W. Gomme is readable, balanced, rich in suggestive generaliza-

tions and concrete detail, and valuable for its emphasis upon all phases of Hellenic culture. The Homeric Achaean civilization and its relation to the Minoan and Dorian are well analyzed, and the early Hellenic religion is described with fine insight. The salient features of Spartan militarism, the Persian Wars, and the rise and decline of imperial Athens are recounted with a refreshing simplicity and vividness, enriched with adequate detail and interpretation. In the section on the Macedonian conquest and the spread of Hellenism the author hardly does full justice to the vast significance of Alexander's accomplishments for the future. He also falls into the common error of a too exclusive emphasis upon Athens. Classical Greece of the fifth and fourth centuries (dominated by Athens) is, to him, the most essentially modern in "the things which matter," though he admits that the Hellenistic age is nearer to us in the externals of civilization and gives due weight to its influence on Rome and Byzantium.

The chapters are replete with interesting and usually convincing interpretations on mooted points. The Achaean invaders were not northern Europeans and were neither tall nor fair. The previous inhabitants of the peninsula were not necessarily non-Indo-European, nor were the Dorians "Nordics" from central or northern Europe but from Thessaly, Epirus, and Macedonia (p. 537). The alphabet came to Greece perhaps not earlier than 1000 or 900 B.C. (p. 542). The popular idea that the Greeks feared the sea and hugged the coasts and islands is false (pp. 561 f.). Apollo's influence was confined largely to the traditional moral and religious ideas (p. 583). The Orphic religious movement was never of great influence in Greece (p. 585). The deities of religion were different from those of literature and art (pp. 568 ff.). Neither science nor philosophy was native to the Eastern peoples; they were born and grew up in Greece (p. 676). This is certainly not true of science, as the author later recognizes. Alexander's death was not the end but the beginning of an epoch, and the year 322 was not the end of the city-state (p. 744, n. 1.).

Some other points of interest and value are the following: "The Athenians were devoted to their democracy, not as an efficient instrument of government (they knew all about its defects), but as a good in itself" (p. 637); "The inadequacy of our knowledge of Greek science should be recognized in any attempt to evaluate it" (p. 690); "the interpretation of the deification of Greek kings" (pp. 589 f.); the criticism of the tendency to read into ancient Greek states the modern spirit of nationalism (p. 566); the excellent summary of the weaknesses of democracy in general and of the Athenian democracy in particular (p. 721); the balanced estimate of the work of Demosthenes (pp. 730 f.); and the analysis of the reasons for the later decline of Greek creative vitality. In this analysis the Macedonian, and especially the Roman, conquests have hardly received sufficient emphasis as factors. The author's rare combination of interpretative insight and mastery of detail has enabled him to produce a work of special interest and value.

Volume II realizes even more fully than the preceding the expressed aim

of presenting an interpretation rather than a detailed narrative. The "Roman Republic" by A. W. Gomme suffers somewhat from the lack of concrete detail, especially in the sections on the Gracchi and the constitutional development, and falls short of the vividness of his Greece by the attempt to cover the principal events, "referred to," as he says, "rather than narrated," in a little over one hundred and fifty pages. The author, however, has added much to his account by his repeated illuminating comparisons of Roman society and civilization with the Greek. A few of his many fruitful ideas are his emphasis upon the natural oligarchic tendency of the Romans in contrast to the Greeks, the "international principle" in the conception of Roman citizenship as dependent upon neither Roman parentage nor Roman residence, the influence of Greek law upon Roman, and the remarkable fact that Roman power continued its advance despite the misgovernment and civil wars of the last century of the republic. The extensive note (p. 153) on the development of the term *imperator* is of distinct value. One looks in vain, however, for an adequate evaluation of Julius Caesar and his work. The interpretation of Roman culture in the last century of the republic in all its phases, enriched by many interesting comparisons with Greek, is admirable.

Some of the author's interpretations on controversial points may be noted. The Villanovan culture was a development of the terramara. The original basis for the difference between the patricians and the plebeians was not primarily racial or cultural. The Etruscans migrated from Asia Minor. The Romans and other Italic peoples received the alphabet immediately from the Etruscans, which they borrowed from the Greeks in Italy. The treaty of 509 B.C. between Rome and Carthage, as recorded by Polybius, is probably genuine. The struggle of the plebeians was neither for the citizenship nor for political democracy. The *comitia tributa* was probably an assembly of all citizens and therefore distinct from the *concilium plebis*. The minimum estimate of the total citizen population of Rome in 225 B.C. was 850,000 to 900,000, considerably larger than the usual estimate for this date. The intellectual decline of Greece was not due to the Roman conquest. The policy of the Roman republic in the second century B.C. was to restrict competitive industries beyond Italy in the interest of Rome. Sulla established uniform municipal institutions in Italy.

Mr. R. E. M. Wheeler's valuable contribution on the "Prehistoric Era in the West," with the emphasis on the Celts, presents a phase of early European history too commonly neglected in texts on Rome. The many controversial points are handled with commendable balance and freedom from dogmatism. Examples are his criticism of the frequent unqualified use of such terms as "Celtic Empire" and "Celtic race" and the failure to recognize the extreme mixture of ethnic types in the Celts. The chapters include valuable sections on the early migrations and trade routes, the Hallstatt and La Tène cultures, and an excellent final chapter on the Celtic language and civilization. The Hallstatt culture in central Europe about 100-500 B.C. was probably "proto-

Celtic," and the succeeding La Tène culture in the same region was its lineal descendant.

Professor S. N. Miller's "Roman Empire in the First Three Centuries," an illuminating interpretation of the great political, economic, social, and cultural tendencies rather than a detailed narrative, is a distinct contribution. Especially valuable is his analysis of the growth of "Caesarism" from Augustus to Diocletian. Caesarism was a combination of distinctly Roman-republican with Graeco-oriental elements, which gradually became dominant. But the Roman magisterial element was "vital and tenacious" even to the close of the period. From the beginning of the principate, "the Republican elements in Caesarism were not a disguise; they were the very stuff of which it was made" (p. 295). Also, "it is only within certain limits that Caesarism can be described as a militarist régime." "The evidence of the texts and the inscriptions is overwhelming that public opinion, especially provincial opinion, not only acquiesced in Caesar's rule, but reinforced his authority" (p. 320). The author's implication (p. 296) that Alexander and his successors derived their idea of the god-king primarily from Persia is misleading.

His analyses of the problem of succession, the centralization of government under Caesar, provincial and local administration, social and economic conditions, the decline of the third century, Roman imperial culture, and the evolution of imperial religion are all marked by exceptional insight. In his opinion "the weakness of the imperial system consisted in the fact that it was a top-heavy growth which drew from no deep reserves of sustenance but rather maintained itself by extending its roots widely through a shallow soil" (pp. 453 f.). He disregards the oriental factor in the development of the colonate and probably overemphasizes the so-called "disdain with which laboring for another man was regarded in the ancient world" (p. 462).

In his discussion of imperial culture the author rightly stresses the fact that "the decline of vitality in Roman society was not due to a physical enfeeblement caused by an absorption of inferior races" (p. 571) but to a "lack of intellectual and spiritual energy," which "in turn was due to the exhaustion of the philosophy of life by which men had lived." "Classical humanism had run its course, and had reached the limit of its constructive power." The full truth of the last two points may well be doubted, and especially the author's emphasis (p. 513) upon the essential bankruptcy of Greek "natural reason" and the "nemesis of humanism as the sterility of self-adoration." One cannot safely dogmatize upon the possible continued creative vitality of Greek humanism and natural reason, had not Rome and orientalism dominated. The author's treatment of Stoicism is also somewhat one-sided and incomplete, though his definition of it as a "synthesis in the terms of its day, of recurrent moods of rationalist pride and pessimism" (p. 514) has in it much of truth. In his emphasis upon the exhaustion of natural reason in Stoicism and the "transcendence of its limitations" and "the recovery of the power of movement" in Neo-Platonism and Christianity, he fails to show that resort to

mysticism and the principle of authority was an advance rather than a retrogression.

The development of Christianity to the Edict of Milan, by Dr. W. E. Brown, is satisfactorily traced, though his interpretations of the reasons for the opposition of the empire to the Christians might be more incisive.

In his account of the church, the later empire, and the barbarians during the fourth century, Professor S. N. Miller presents an incisive analysis of the reorganization of the empire, the economic decline and the submergence of the *coloni*, *curiales*, and *collegia* in the later empire, and the development of the "Catholic" church and its relation to the imperial state. The author does not follow the usual attempt to point out the reasons for the breakdown but raises the problem of why "so remarkable a system maintained itself for so long as it did" (pp. 666-68), since it lacked the "rooted stability of a natural growth." "The cells failed to fulfill their proper functions in relation to the center, and intervention became necessary." The government, while apparently becoming more centralized, grew in reality increasingly localized, and this localization was a clear symptom of disintegration.

The volumes are excellent in mechanical form and are provided with adequate Indexes and an unusually elaborate series of maps to which abundant page references are given in the Indexes. It is unfortunate, however, that in a work of this scope more adequate select bibliographies were not included.

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Notes on Antique Folklore on the Basis of Pliny's Natural History, Bk. xxviii 22-29. By Dr. X. F. M. G. WOLTERS. Amsterdam: H. J. Paris, 1935. Pp. vii+150. Fl. 2.40.

I do not know where an aspiring writer on folklore would go to find a group of superstitious beliefs and practices more interesting than those recorded in Pliny's *Natural History* xxviii. 22-29. I have consulted these sections of Pliny time after time, as many other folklorists doubtless have. Here are listed numerous questions and problems, some of which are now easy to answer. It is hard to see how two or three of them could have caused Pliny any trouble.

Comparative folklore and rich collections of material have become such a help to the investigator that these sections from Pliny afforded a field ripe for the harvest. If the author did not take full advantage of the opportunity for reaping, it is due in no small measure to his not having the proper machinery—ability to set forth his ideas adequately in the English language.

In a work of this kind much of the effect depends on neatly worded distinctions and the expression of shades of meaning. If some of the badly phrased sentences are confusing to one to whom English is the mother-tongue, how can a Continental European understand them or profit by them?

Owing to my love of the subject treated, I regret to say that the book illustrates once more the temerity of publishing in a foreign language without having a conscientious, competent, self-forgetful native criticize the manuscript. It is true, of course, that a critic possessing such a trinity of virtues would be difficult to find.

I feel, also, that the book is somewhat premature. There are loose ends and partial truths to be found in its pages. The plausible explanations that have been made are not always the most plausible ones.

We are told (p. 4) that "Superstition is passive, an attitude of mind, inactive," and that it "takes its practical form in magic," but superstitions in and of themselves may take a practical form in activity. Among such are beliefs about the effect of the moon on vegetation, and obstetrical and medical superstitions. We should be better off if some superstitions did not express themselves actively. It might be held that ideas originating in mistaken relations of cause and effect are not superstitions, but it is surely fair, as well as convenient, to class as superstitions many outmoded, outworn popular notions. Most superstitions once had some sort of reason behind them, but comparatively few had a reasonable reason.

One of Pliny's questions is as follows (sec. 23): "Cur sternuentes saluamus, quod etiam Tiberium Caesarem, tristissimum, ut constat, hominum, in vehiculo exegisse tradunt et aliqui nomine quoque consalutare religiosos putant?" For some unaccountable reason Dr. Wolters takes *etiam* with *in vehiculo* and, on the basis of this erroneous association, concludes that Tiberius drew attention to the sneezing because the rumbling of the wheels might have drowned out the noise made by it. I am always a trifle suspicious of plausible, matter-of-fact explanations in folklore, such as the one that it is bad luck to walk under a ladder because it or a pot of paint might fall on one.

Obviously the word *etiam* was used to call attention to the high rank of the man who believed the superstition. In Greece big men had drawn omens from sneezes; in Rome, however, men like Cicero scoffed at such superstitions (Cic. *De div.* ii. 84).

The adjective *tristissimum* is translated "a very sullen person," but it means "gloomy" or "somber," and it explains why Tiberius made sure that his companions, some of whom may not have been superstitious, did not fail to strengthen the good omen. He had a well-established reputation for being gloomy and dejected (*tristissimum, ut constat, hominum*). There were scores of wayfaring signs in antiquity,¹ as there are today, and any traveler not entirely free from superstition was beset by many mental perils. In the last sentence (sec. 21) before the sections which are discussed by Dr. Wolters, Pliny says: "Caesarem dictatorem post unum ancipitem vehiculi casum ferunt semper, ut primum consedisset, id quod plerosque nunc facere scimus, carmine ter repetito securitatem itinerum aucupare solitum." Wayside

¹ I collected many of them in *Classical Philology*, XXX (1935), 97-112.

omens were so troublesome that Marcellus, the conqueror of Syracuse, closed the curtains of his litter that he might not be disturbed by them (Cic. *De div.* ii. 77).

In connection with the statement that Mars had functions both as a god of war and as a god of vegetation (p. 25) one might note a recent ingenious endeavor to establish a relationship between them. It has been suggested that the Mars invoked in prayer by farmers was still a warrior. In this case his strife was not against men, but against the powers hostile to the fertility of the land.² Would that some revelation might confirm this theory, so that we might be free to tackle other problems!

Another unanswered question of Pliny's is (sec. 23): "Cur ad primitias pomorum haec vetera dicimus, alia nova optamus?" For several years I have thought that this disparagement of the first fruits was due to a desire to avert the effects of the evil eye, some of the dangers of which to crops, cattle, and children are mentioned by Dr. Wolters on page 29. He explains (p. 43) with assurance and with no little plausibility that "this offering was made with an eye to obtaining 'sympathetically' new fruits for the coming year; which, of course, for primitive man, would run to a continuous chain of harvests." In spite of a parallel "among Indian peoples" it still seems to me just a little doubtful whether amid the irresponsible mirth and gaiety of the harvesting of fruit (rather than of grain) peasants would look so far ahead. The conclusion drawn would be less of a tax on credulity in the case of a more important crop, one for which fall plowing had to be done. Further parallels would strengthen Dr. Wolters' theory, which was worth advancing.

In the same section (23) Pliny asks: "Cur ad mentionem defunctorum testamur memoriam eorum a nobis non sollicitari?" Dr. Wolters concludes his discussion of this question as follows (36): "Since, therefore, the knowing of a name was a magical means of power, a ghost, when his name was pronounced, would be disturbed and called up by it, and this could never be to the advantage of the invoker—whence the apology."

Both the argument and the conclusion are unnecessarily involved. The word *memoriam* surely means "memory" (not "rest," p. 13), in the sense of "reputation." The idea behind the superstition was, of course, that the dead are able to exact requital; hence fear rather than courtesy gave rise to the belief and to the saying *De mortuis nil nisi bonum*. This fear of the dead existed whether or not the names of the deceased were known or uttered. Telling the dead that nothing detrimental to their memory or reputation was being said was at once a propitiation and a kind of prophylaxis, not an apology.

In trying to explain the question (sec. 23), "Cur in pares numeros ad omnia vehementiores credimus, idque in febris dierum observatione intelligitur?" Dr. Wolters expresses the belief (p. 38) "that the reasons for man's preference

² P. Boyancé, "Un Rite de purification dans les *Argonautiques* de Valerius Flaccus," *Revue des études latines*, XIII (1935), 111-12.

for odd numbers must indeed be looked for in the days considered as critical by medical science” If there is justification for such a belief—I do not think there is—should not “popular medicine” have been used instead of “medical science”?

Is the statement that “it is the inadequacy of quenching material that caused the primitives to have recourse to superstitious means and measures” (p. 84) for putting out fires the entire truth? Superstitious practices would arise wherever fire was considered a demon, and doubtless preference would sometimes have been given to them if water and methods of handling it had been available, just as preference is still often given to witch doctors and nostrums when approved physicians and treatments are within reach.

Pliny records an interesting rural prohibition (sec. 28): “Pagana lege in perisque Italiae praediis cavetur ne mulieres per itinera ambulantes torqueant fusos aut omnino detectos ferant, quoniam adversetur id omnium spei, praecipue frugum.” It seems to me to be quite easy to reconcile the two conflicting interpretations listed by Dr. Wolters (pp. 122–26). It will be recalled that it was taboo for the *flamen Dialis* to touch ivy or to utter the word “ivy” because, as has been explained, the tendrils suggested binding. A revolving spindle would have even greater power to twist and tangle, so that the spindles were supposed to be kept covered. One can understand why it might be harmful to vegetation if one met a woman operating a spindle. I believe, therefore, that the superstition listed by Pliny is to be classed primarily with the scores of popular notions about magical or analogical binding and secondarily with those which have to do with *Angang* or chance encounters.³

How does Dr. Wolters know that “weather magic was, in its earliest form, apotropaeic [*sic*] i.e. the averting of destructive hail-showers and storms” (p. 139)? Was not the inducing of storms in time of drought equally important? Would we not have to know in what kind of climate weather magic originated before we could make such a statement with any degree of probability?

Slips of various kinds occur here and there. At first I thought that the word “antique” in the title might have been intended to designate folklore that was ancient in Pliny’s day, but on finding “antique literature” (p. 128) I concluded that it is a dictionary equivalent of a word in the author’s native tongue.

Among the errors in translation are *piacula*, “outrages” (p. 1), and *sollicitudo*, “excitement” (p. 13). We are told (p. 87) that “without a flail [‘pestle’ is meant] no flour can be made.” “Passus” (p. 89) is used as an English word in the sense of “passage.” The translation of *libet hanc partem singulorum quoque conscientia coarguere* (sec. 22) is as follows: “I should like to test this

³ Cf. a superstition recorded by Jacob Grimm, *Teutonic Mythology*, trans. J. S. Stallybrass (London, 1888), IV, 1782, No. 135: “If a man on a journey meets a woman who is spinning, it is a bad sign; let him turn back and take another road.” Cf. also superstitions numbered 399 and 824.

matter by everybody's private feeling" (p. 13). *Partem* means "part" or "section," as is shown by *quapropter de his ut cuique libitum fuerit opinetur* (sec. 29), which is translated thus: "And therefore let everyone please himself on this point" (p. 15). The meaning of *conscientia* is reasonably clear, but the interpretation of the folklore recorded by Pliny is needlessly delayed for two pages (16-17) by a digression on the history of this word and its Greek equivalent, and the conclusion reached is that the word here means "consciousness."

The misspellings "apotropaic" and "daemon" occur many, many times. The names "Marett" (p. 9) and "Burris" (p. 136) are wrongly spelled. "Galenus" and "Martialis" look strange. Correction is needed in *est omine nomine tetrum* (p. 28, n. 8).

This book has so many little errors and blemishes that it is hard to find space to do justice to its merits. It brings a number of important articles to my attention for the first time. Personally, I generally feel more indebted to a folklorist for adding to my knowledge of the literature of the subject than for the conclusions he draws. How many readers of *The Golden Bough* can tell offhand the ostensible purpose of the series?

I opened Dr. Wolters' book with eager anticipations, and I expected to review it sympathetically. It does contain stimulating suggestions and valuable comparative material. It is usable and useful—but with caution. I do not believe, however, that a person to whom English is an acquired language will be able to understand everything. I hope that the author can see his way clear to revise the book, with the help of an English or an American folklorist, for the sake not only of the English idiom but also of the many pertinent references in English which such a collaborator could add to the work. Several articles germane to the subject have appeared since the book went to press.

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Plato's Thought. By G. M. A. GRUBE. London: Methuen & Co., 1935. Pp. xvii+320. 12s. 6d.

Scholars have disposed, apparently since the time of the Alexandrians, of two principal devices by which to explore the works of philosophers: the commentary and the topical exposition of questions according to the mind of the given philosopher. It is natural that Platonic studies, as resuscitated during the last century by use of stylometric methods and as expanded by the introduction of chronological considerations, should be devoted alternately to the exposition of the contents of successive dialogues and to the exploration of the themes which recur in various of the dialogues. Professor Grube, maintaining that these modes of exposition supplement each other, has followed the second—the method of questions—and by implication (p. vii) has undertaken in *Plato's Thought* to write a companion piece to Taylor's *Plato*,

the Man and His Work, which to his mind is a model of the first method. Eight subjects are traced in the eight chapters of the book from their first appearance in the dialogues to their final statement: the theory of ideas, pleasure, *eros*, the nature of the soul, the gods, art, education, and statecraft. Taken together these subjects will give, Professor Grube is convinced, an adequate understanding of Plato's view of life as a whole and of his philosophy of man. He has performed the task he has set himself with great care and thoroughness; he has enumerated meticulously the loci of discussion of each of the subjects he has chosen, he has set them down in a defensible chronological order, and he has restated the discussions as accurately and in as great detail as possible.

Criticism of Professor Grube's book may, consequently, be summed up as criticism of the literal-mindedness of the dominant school of Platonic scholarship as manifested in a workman-like example. It exhibits yet another instance of the curious fatality which has attacked recent studies of Plato, the most obvious manifestation of which is an apparent desire to restate as completely as possible whatever Plato said in as nearly Plato's words as possible; yet, notwithstanding that by far the greater part of Professor Grube's book consists of paraphrase and direct quotation from Plato, one may doubt that it states what Plato meant, on grounds which Professor Grube himself occasionally supplies when he tires of paraphrase (as on p. 275)—that the philosophy loses all effect by being summarized. In a single chapter he will struggle to expound "the development of Plato's technical vocabulary" (p. 14) and complain that Plato seems "to have deliberately avoided using a consistent technical vocabulary" (p. 44); the Ideas are analyzed as "logical entities" (pp. 30 and 31), yet to consider them merely logical entities is to deprive Platonism of its inspiration and emotional appeal (p. 50). Professor Grube is disturbed constantly by Plato's vague use of words (pp. 185, 204, and *passim*); yet faced by Plato's analogical mode of thought, on the one hand, and his suspicion of mere allegory, on the other, Professor Grube prefers to be chary of all metaphor and to look for systematic expositions of theories, though he complains that they can seldom be found. There are, consequently, many contradictions in Plato's thought, or, if the poles of the contradiction occur in different dialogues, considerable evolution. The contradictions are permitted, regretfully, to stand, but the evolution is welcomed, and Professor Grube is fond of suggesting that the development is taking place before our eyes in the dialogues. For purposes of tracing this development, the *Laws* are taken as the statement of Plato's mature position on most questions, although the reader is assured that Plato's metaphysics is of crucial importance to his philosophy, and little trace of metaphysics is found in the *Laws*. It is sometimes the virtue of a method to detect confusion where it was unsuspected, but where the object on which the method is exercised is the work of a dialectician as shrewd as Plato, one may suspect that the method has not obeyed the precepts of his dialectic and has not cut at the joints of

the argument. Professor Grube has employed accurate and shrewd scholarship in expounding Plato's thought in eight instances, but the student of Plato might have reasonable grounds for suspecting that something is lacking or perhaps for doubting that an enumeration of instances, even when they are stages in an evolution, are sufficient in themselves to convey the thought of a philosopher who was fond of recalling his master's objection to an enumeration of virtues when he sought to know what virtue is.

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Pindari Carmina cum fragmentis. Recognovit brevique adnotatione critica instruxit C. M. BOWRA. Oxford: Clarendon Press; New York: Oxford University Press, 1935. \$3.00.

This is a beautiful little practical and flexible book in the series of "Scriptorum Classicorum Bibliotheca Oxoniensis," bound in blue and printed on thin but good paper in excellent type, convenient and more easily handled than the Teubner text. Its use, however, is badly impaired by a lack of numbering of the pages after the preface of pages iii-xii and by a renumbering of the fragments. To be sure, there is a concordance of Schroeder's numbers with the corresponding number in Professor Bowra's text but not vice versa, so that it is difficult to find Bowra's 344 fragments in Schroeder's edition. Unfortunately, Bowra has not all the fragments in Schroeder (for example Nos. 9, 23, 132, 197, 218, 247, 268, 293, 297, 315, 317, 323, 328, etc.), but he does give many passages (such as those in Strabo, Pausanias, Lucian, Eustathius, etc.) which mention Pindar or his works and which are not in Schroeder. Professor Bowra has written several articles on Pindar in the *Classical Quarterly* and elsewhere and is an authority on lyric poetry. With Professor Wade-Gery, a few years ago, he published an edition and translation of the *Pythian Odes* (London: Nonesuch Press, 1928). He has taught Pindar, and Professor Lyde (whose book on *Contexts in Pindar with Reference to the Meaning of φέρω* I have reviewed in *Classical Philology*, XXXI, 267) was his pupil. So he was well prepared to give us a text of Pindar, and yet it is not so superior to that of Puech in the Budé series or that of Schroeder in the Teubner series; but England must have its series of classical texts as well as France and Germany. There is no Bibliography as in Schroeder and no references to the readings in the editions of Gildersleeve, Diehl, Bury, Sandys, Puech, Fennell, or even to Farnell's new good text in his recent three-volume edition which includes more fragments and presents as good a text as Professor Bowra. The numbering of the lines luckily is, in general, the same as in Schroeder and Sandys. Professor Bowra, following Boeckh, uses a longer line than Schroeder and often combines two lines of Schroeder's text; and his division of κῶλα differs somewhat. But this makes the volume more compact and not so thick as the Teubner text, even though, as he says, "Haec divisio . . . nullam habet apud codices auctoritatem neque veri simile est Pindarum

ita carmina manu propria conscripsisse." It would seem that Professor Bowra based his text on that of Schroeder, as he acknowledges (p. x): "Denique per totum opus semper ante oculos editionem illam praeclarissimam habui Ottonis Schroederi, cui certe dignam vix posse videor referre gratiam. Quisquis enim totus esse in Pindari carminibus vult, is necesse est Schroederi editione utatur, ubi aequo ingenio atque doctrina omnia sunt accumulata atque digesta." On the same page is mentioned Wilamowitz-Moellendorff, whose name is wrongly spelled with one *f*.

Professor Bowra has examined the readings of the seven best codices of the thirteenth and fourteenth century which are free from Byzantine conjectures and which are derived from an ancient, if not an Alexandrian, source; and he has also consulted the Oxyrhynchus papyri. The Ambrosianus codex he calls "A," the Vaticanus "B," the Parisinus "C"; the codex Laurentianus 32, 52 he calls "D," the codex Laurentianus 32, 37 "E"; the codex Gottingensis Philologus "G"; the codex Parisinus Graecus 2403 "V." He has tried to reconstruct the text as known at Alexandria, following the orthographs of the best codices. He has omitted the digamma, and at the end of the line he changes Schroeder's acute accent on the last syllable to grave. In general I still prefer Schroeder's text (from which, however, Professor Bowra makes very few changes) and the reading of the codices to Professor Bowra's text, which often changes the manuscript reading. I cite here the main differences.

Ol. i. 60 Bowra reads *ἀθανάτους* for *ἀθανάτων* and in line 112 inserts *ἐν* before *ἄλλοις*; *Ol. ii.* 52 *ἀφροσύνας* for *δυσφρονᾶν*, line 62 *ἴσον ἐν ἀμέραις* for *ἴσας δ' ἀμέραις* (not cited by Bowra), line 85 *ἐρμανέων* for *ἐρμηνέων*, the reading of the codices (Bowra says "corr. Schroeder," but in the Teubner text Schroeder reads *ἐρμηνέων*; in frag. 30, however, Bowra reads *διζήσατο* for Schroeder's *διζάσατο*), line 97 *τιθέμεν* for *τε θέμεν*; in *Ol. iii* and *iv* no change from Schroeder; *Ol. v.* 23 *Ποσειδανίοισιν* for *Ποσειδανίαισιν*; *Ol. vi.* 62 *μεταῦδασέν* for *μετάλλασέν* (I see no reason for adopting Garrod's guess in place of the manuscript reading), line 82 *λιγυρᾶς ἀκόνas, καί* for *ἀκόνas λιγυρᾶς, ἄ* (the reading of the manuscripts was good enough for Gildersleeve, Farnell, and others); *Ol. vii* only one minor change, line 86 *Λίγινᾱ* for *Λίγινά*; *Ol. viii*, no change; *Ol. ix*, no change except for correction of Schroeder's misprint in line 70 of *Ἀτρεΐδας* to *Ἀτρεΐδαις*; *Ol. x.* 9 Schneide-
win's reading of *ὄρατ' ὦν* for *θνατῶν*; line 25 *πόνων* for *βωμῶ* (to Christ's *πόνων* I should prefer *βωμῶν*, which some of the manuscripts give), line 105 *ἄλκε* for *ἀλαλκε*; *Ol. xi.* 20 *διαλλάξαντ' ἄν* for *διαλλάξαντο* (Gildersleeve, Schroeder, etc., not cited by Bowra); *Ol. xii* and *xiii*, no change; *Ol. xiv.* 2 *λαχοῖσαν αἵτε* for *λαχοῖσαι ται* (the manuscript reading kept by Gildersleeve and others); *P. i*, no change; *P. ii.* 79 Wilamowitz' *βυθοῖ* for *βαθίν*; *P. iii.* 24 *τοι ταύταν* for *τοιαύταν* and *αύαταν* for *άάταν* (with no mention of Schroeder's reading); *P. iv.* 50 *μὲν* for *μάν*; line 57 *ἦ βα* must be a misprint for *ἦρα* which Bowra reads in all other occurrences of the word (so l. 78), line 105 *ἐκτράπελον*

for ἐντράπελον (Matthew Arnold in "A Speech at Eton" read εὐτράπελον, where he translates, "Lo, these twenty years am I with them, and there hath been found in me neither deed nor word that is not convenient; and now, behold, I am come home that I may recover my father's kingdom"), line 131 εἰζόας for Schroeder's εἰζώας in the Teubner text (not εἰζόας as Bowra says), line 140 ἐπιβδαν for ἐπιβδαν (which probably was a misprint in Schroeder), line 225 γνάθων for γενύων, line 228 ἀνὰ βωλακίας for ἀναβωλακίας; *P. v.* line 76 Μοῖρά τις for μοῖρά τις, line 98 μεγάλαν δ' ἀρετὰν for μεγαλᾶν δ' ἀρετὰν; *P. vi.* 50 ἱππιᾶν ἐσόδων, credited to Schroeder for the manuscript ἱππείαν ἐσοδον, which Schroeder really reads in the Teubner text; *P. vii.* no change; *P. viii.* 97 φέγγος ἔπεστιν for ἔπεστι φέγγος; *P. ix.* 19 οἰκουριᾶν for οἰκοριᾶν, line 62 θαρσάμεναι βρέφος αὐγαῖς (of which I approve) for <προσ>θηκάμεναι βρέφος αὐταῖς (not cited by Bowra); *P. x.* 61 ὁροῖη for ὁρούει; *P. xi.* 55 τὰν εἴ for ἅτα, line 57 θανάτοι' ἔσχεν for θανάτου <στείχου> (not cited by Bowra); *P. xii.* 29 ἦ καὶ for ἦτοι; *N. i* and *ii*, no change; *N. iii.* 14 εἶραν for ἀγοράν, line 27 παραμείβεις for παραμείβει; *N. iv.* 90 αἶσει κ' ἐταῖς for αἶσέν ποτε, παῖ; line 93 στρέφοι (which Schroeder really reads in the Teubner text) for στρέφοις (wrongly attributed to Schroeder); *N. v.* 6 τερείνας for τέρειναν, line 32b τοῖο for τοῦ δέ, line 45 ἐκράτει for ἐκράτει, line 50b δίδοι for δίδου; *N. vi.* 22 'Αγησιμάχου' for 'Αγησιμάχῳ, line 43 νικῶντ' for νικάσαντ', line 60 ἐπάρκεσας for ἐπαρκέσαι, line 64 κεν for καὶ; *N. vii.* 83 ἀμέρα for θεμερᾶ, line 95 insert τε after πόσιν, line 98 σύ ἵν for σφισιν; *N. viii.* 40b οἶνας for ἄσσει; *N. ix.* 41 ἐνθ' Ἀρέας (which is near to the manuscript ἀρείας) for ἐνθα Ῥέας (probably a correct change); *N. x.* 5 Αἰγύπτου κατέκτιθεν (Bowra's own good conjecture) for Αἰγύπτῳ καταοικίσθεν, line 37 ἐφέπει for ἔπεται; *N. xi.* 11 'Αγεσίλαν for 'Αγησίλαν, line 13 ἄλλον for ἄλλους, line 17 χρεῶν for χρεῶν, line 26 δηριόντων for δηριώντων; *I. i.* 16 'Ιολάοι' for 'Ιολάου, line 48 τράφει for τρέφει; *I. ii, iii,* and *iv*, no change, except *I. iii.* 3 μεμείχθαι (which Schroeder has) for manuscript μεμίχθαι (kept by Sandys); *I. v.* 48 κελადέειν for κελαδέσαι, line 57 δαπάναι ἐλπιδων ἐκνιξ' for Schroeder's δανάναι (which must be a misprint) ἐλπιδ' ἐκνιξαν (not cited by Bowra); *I. vi.* no change; *I. vii* 8-9 ἦτ' for ἦ δτ', line 28 ἄντα φέρων for ἀμύνων; *I. viii.* 34 εἶπεν for εἶπε δ', line 63 τι λίπον (credited to Schroeder) for ἔλιπον (which Schroeder really also reads in the Teubner text, which Bowra does not cite).

The text of the Paean is more complete than in the Teubner text, which omits Paean iii, parts of iv, vi, and vii, and Paean x-xii given in the Oxford text. In Paean iv. 22 the unmetrical Λω[νύσ]οι' is wrongly credited to Maas. In Paean iv. 31 Professor Bowra reads ἔ[πλετ' ἔρω]ς τῶν for Schroeder's [μάκαρ ἀνδρῶν], which is not cited. In Paean vi. 108 Bowra reads ἐγείρε for ἐγείρων, and in line 121 ἰή τε for ἰητε. In Paean vii. 2 Bowra reads τελεσσι[πῆ] for τελεσσι[ρον] and in line 12 ἄν for ἄγ. Bowra's text of the Dithyrambs and of the *Partheneia* (Bowra writes *Partheneia*) is also more complete than the Teubner (cf. Nos. 60-63, 83-94, which are not in Schroeder). Bowra's text of frag. 99^a (Schroeder 110) is γλυκὺ δὲ πόλεμος ἀπειράτοις

(which he attributes to Schroeder) ἐμπίρων for Schroeder's Teubner text, γλυκὺ δ' ἀπείρω πόλεμος πεπειραμένων, which Sandys also uses (it is one of Pindar's famous sayings which we often quote in Erasmus' version, *dulce bellum inexpertis*). In frag. 107. 5 Bowra reads ποτᾶν for πὸτ' τᾶν, in frag. 108. 6 ἔλα for ἐλα, in frag. 109 ἴσα for ἴσον, frag. 113 Ἀγάθωνι τε βάλλω for Ἀγαθωνίδα βάλλω; frag. 114. 4 ἵπποισι for ἱππείαισι; frag. 115 ἅπαντες for δραπόντες; in frag. 124 the order of lines is changed from Schroeder; frag. 126 ὦμοβόρῳ for ὦμοβόλῳ; frag. 127 καλεῦνται for καλέονται; in frag. 147 (Schroeder 161) there should be no hyphen after οἱ μὲν κατω; in frag. 151 Bowra reads ἐν πόλεον for ὑπνόωντες. The Index Nominum Propriorum (pages not numbered) is similar to that of Schroeder but has a few more items. For example, on one page (under *D* and *E*) we have Δημοφῶν (frag. 160), Ἑλλας πορθμός (frag. 29), Ἑλλοί (frag. 259), and Ἐνιαυτός (Paeon xv) which are not in Schroeder's Index.

All in all, this is a text which every Pindar scholar must have in his library, and which will be useful in college courses on Pindar.

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Plutarchi Vitae parallelae, Vol. II, fasc. 2. Recensuit KONRAT ZIEGLER. Leipzig: Teubner, 1935.

In this third of a century there has been no one who has done so much for the text of Plutarch as Mr. Konrat Ziegler. I shall go further: since the ninth century, when some unknown scholars salvaged what we have of the *Vitae*, there have been not more than two or three who have equaled his excellence in dealing with these documents. If Emperius¹ had lived, if Wyttenbach had been able to complete or extend his activities, Mr. Ziegler might have had other rivals. But his chief rival, as things are, is Reiske; he himself (III, fasc. 2, Praef., ix) has best stated his obligations, from which I cite the following as witnesses to Mr. Ziegler's acumen, for Reiske needs no praise: "Graecique sermonis incredibili quadam peritia imbutus . . . innumeros fere locos ingeniosis coniecturis refecit, quarum magnam partem editorum qui eum secuti sunt invidia immerito silentio obruit . . . Reiskiorum etiam erroribus edocemur."² It is too soon, of course, to bracket Mr. Ziegler

¹ In my limited sphere of knowledge, there is no scholar so underestimated in Sandys' *History of Classical Scholarship* (II, 120). He is given *four words!* I am compelled to speak out on this point, for Mr. Gudeman (*Class. Rev.*, XXIII, 114) has not done so.

² *Quamquam ab his cantoribus Euphorionis contemnitur!* It is not inappropriate to recall how many of Reiske's magnificent conjectures in the text of Lysias were vindicated by the Palatinus.

with Reiske; but the brilliance and, what is more, the skill of dozens of his conjectures tempt me to think that perhaps posterity may do so.³

Our gratitude to Mr. Ziegler is augmented by the fact that he has now all but completed, with the help of Mr. Lindskog, his great edition; there remain but the *Galba*, the *Otho*,⁴ and the long-awaited Index.⁵ These will occupy Volume IV, which is to be expected soon.⁶

Mr. Ziegler has modified and corrected his views on the text tradition of the six lives contained in this volume since the publication of his *Überlieferungsgeschichte* in 1907. In particular, his knowledge of L has greatly increased; he is now able confidently to establish the fact that A D (B Iunt.) are apographs of L after L² had made his very numerous corrections.⁷ I am not in a position to check any of Mr. Ziegler's results; the only manuscript (in photograph) to which I have access at the moment is A.⁸ This manuscript I have collated with the new edition for about ten pages of the *Philop.* and have found sufficient confirmation for Mr. Ziegler's statements.⁹ But nowhere else am I able to substantiate my confidence in Mr. Ziegler's discrimination and accuracy in his use of manuscript evidence.

There seem to be very few errors.¹⁰ One is curious: page 54. 22 app. *deest apud Bergkium*. No: see Bergk⁴, III, 673, app. crit.; Powell (*Coll. Alex.*, p. 173) should also be referred to. The selection of conjectures is sensible and sufficient; the following, perhaps, might be added: page 54. 25 *θαμά* Reiske; page 243. 13 *ὀφίερο* H. Richards (*Class. Rev.*, XVII, 334); page 349. 9 [τῖ] secl. Bernardakis (*Symb. crit.*, p. 34); page 377. 3 *ἀνακειμένην* E. Harrison (*Class. Rev.*, XLIII, 93); page 379. 15 <ἐρέποι> *ἐρέπας* add. Vollgraff (*Mnem.*, XLIV, 337).

For this review I have examined critically the text of the *Alexander* with

³ Conjectures in the *Philopoemon-Titus* and *Pelopidas-Marcellus* which needed more elaborate discussion are well defended in *Rh. Mus.*, LXXXIII, 211 ff. The promised defense of readings in the *Alexander-Caesar* had not yet reached me at the moment of writing.

⁴ These lives are found only in MSS of the *Moralia* and consequently subject to the entirely different difficulties attending the text tradition of that collection.

⁵ Promised by Mr. Lindskog (I, fasc. 1, Praef., xi) in 1914.

⁶ "*Intra biennium*" (II, fasc. 2, Praef., viii).

⁷ Cf. II, fasc. 1, Praef., iii-vi, and II, fasc. 2, Praef., v-vii, with *Überlieferungsgeschichte*, pp. 179 ff., to see the great advance in knowledge.

⁸ Ziegler has not collated A B D thoroughly but has made some use of Sintenis' and of Kontos' collations. If any further results are to be obtained from A, I shall endeavor to publish them soon.

⁹ Some very minor points may be raised: p. 7. 3 A has *αἰροῦ* which should certainly be read if Mr. J. E. Powell's reasoning (*Class. Quart.*, XXVIII, 160) can be applied to so late a writer as Plutarch; p. 7. 26 A has *προσμίξαι*, and this is the spelling used in the MSS of the *Moralia* which I have examined. We shall await the Lindskog-Ziegler orthographical index with impatience. P. 8. 4 A reads *γινωμένως* with P against L.

¹⁰ There is a misprint at p. 140. 18 app.

greater care than the other lives, and I may briefly touch on a few places where further improvement seems possible: *Alex.* xi (p. 190. 20) τὰ del. Reiske. I should prefer to delete παρά. *Alex.* xxiii (p. 209. 24) αὐτῶν del. Zie. Would it not be better to write αὐτοῦ or τῶν αὐτὸν ἐπαινούντων? *Alex.* xlviii (p. 248. 13, 14), write ἐκείνης . . . ἑτέραν, comparing *Mor.* 339F. *Alex.* lviii (p. 262. 14), there is probably a lacuna after ἠθέλησεν, even though Zonaras had before him the same text that our manuscripts give. *Alex.* lx (p. 266. 14) <καὶ> add. Zie. Perhaps it would be better to delete λέγει. I may add that I was flattered to find two unpublished conjectures of my own anticipated by Mr. Latte and Mr. Ziegler at pages 256. 22 and 266. 14 (ἐνεστίν); but I am no longer certain that the latter is absolutely necessary.

One admirable feature of this edition is the skill and thoroughness with which testimonia and parallel passages are collected. The editor's words are quite justified: "Confido laborem meum lectoribus, praecipue historiae studiosis, gratum et utilem futurum esse." Work, for example, on the sources of the *Alexander* can now be undertaken with greater hope of success.

In conclusion, may I be permitted to state again my admiration for this accurate and brilliant book. It is much to be deplored that almost all other recent work on Plutarch falls short of the standard created and maintained by Mr. Ziegler.¹¹

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Roman Gaul: The Objects of Trade. By L. C. WEST. Oxford: Blackwell, 1935. Pp. xi+191.

Dr. West has written two previous volumes on the objects of trade, of which one deals with Roman Spain and the other with Roman Britain. His *Roman Gaul*, which has just appeared, is similar to the other volumes. The first chapter describes the provinces and cities of the Gauls which Nero designated as his "richest provinces." Next comes a discussion of the waterways, the road system laid out by Agrippa, the guilds of boatmen, and sea traffic. Chapter iii is concerned with forest products, the different kinds of wood used for building, fuel, and manufacturing, fruit trees, shrubs and herbs, and wood ashes employed for preparing soap. Chapter iv deals with cultivated plants, grain, olives, vineyards, figs, methods of storing wine, and the native drinks made from corn and water. Textiles (chap. v) were of great importance and were exported in quantity. Treves, Lyons, Metz, and Reims were centers of the woolen industry, and in Vienna and Lyons there was silk weaving. Vegetable dyes and colors (chap. vi), which were not fast, were produced in

¹¹ This review was completed in January, 1936. Since then Mr. Ziegler's defense of readings in the *Alexander-Caesar* and also his edition of the *Galba* and the *Otho* have appeared.

Gaul and also *ostrum* from shellfish. Animals and birds form the subject of chapter vii. Gallic mules and horses were esteemed. Camels were used in the Garonne basin. Salt pork was an important export, as were hides and shoes. Dogs were bred, especially for hunting rabbits. Among the fish and sea foods of Gaul (chap. viii) were chub, trout, carp, perch, pike, whitefish, shad, tunny, and oysters. The tunny was used to prepare *garum*. Mines and minerals (chap. ix) were not a state monopoly, though the government was the largest mine owner. Gold mining—mostly placer—and silver mining were carried on, but the iron mines were most important. The process of plating was discovered by the Bituriges, and the Gallic goldsmiths and silversmiths did excellent work in metal and enameling. Gallic *fibulae* were in wide demand. Statuettes, surgical instruments, and lead pipe were made. Salt (chap. x) was a government monopoly and was derived from sea water and rock-salt mines. It was exported to Germany. Pottery (chap. xi) was of great importance and widely exported. The pottery industry of southern Gaul flourished roughly throughout the first century, and the three principal wares were those of Montans, La Graufesenque, and Banassac. In central Gaul the industry thrived from about the time of Claudius to A.D. 260, and its chief ware was that of Lezoux, though other centers of production were St. Rémy and Vichy. The Belgica potteries were centered at La Madeleine, Lavoye, Les Allieux, Avocourt, Eschweilerhof, and Treves. The molds were made apparently by a few skilful craftsmen and then sold. Glass (chap. xii), which was colorless, was made with manganese dioxide in the second century A.D. and competed with eastern glass. Treves was an important seat for the production of ground and cut glass and window glass. The industry thrived in Belgica in the fourth century A.D., and glass was exported to Germany and the Scandinavian countries. Among the more important building materials (chap. xiii) were Aquitanian marble, white marble from the Pyrenees, limestone, and sandstone. Technical ability was high in quarrying. Bricks and tiles were a Roman innovation. Mosaic working was of high quality. Chapter xiv, on "Personal Service Trades," is concerned with doctors, midwives, and oculists. The doctors were, as a rule, of low station and of Greek origin. There were medical schools at Bordeaux, Marseilles, and Lyons. Gallic slaves (chap. xv) were found in all parts of the empire. Many foreigners came to Gaul—Romans and especially Syrians and Jews. There was pronounced eastern influence on the glass industry. Chapter xvi consists of a table of Gallic citizens outside of Gaul, and chapter xvii is a table of miscellaneous workers and tradesmen. The final chapter on "Imports" lists food, especially wine, as the chief import and shows that the army was a great consumer. Leading imports were olive oil, salt, pepper, *muria*, fruits, lead, sulphur, papyrus, cosmetics, aloes, surgical instruments, metallic salts, glass, and cloth.

The chapters are documented by notes and by elaborate tables. The book

is the result of extensive and painstaking research and is, like Dr. West's earlier volumes, a valuable addition to our knowledge of economic history in Roman times.

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Ager publicus: Ricerche di storia e di diritto Romano. By LEANDRO ZANCAN. ("R. Università di Padova Pubblicazioni della Facoltà di Lettere e Filosofia," Vol. VIII.) Padua: Antonio Milani, 1935. Pp. viii+114.

This small volume consists of two parts, respectively "Proposte per una storia dell'agro pubblico" and "La legge agraria del 111."

Part I, in six chapters, does not pretend to write the history of the *ager publicus* but only to set forth the problems; a fuller treatment is promised for the future. The first chapter, "Ager publicus," discusses the right of possession in the public land. Chapter ii, "La Clientela," argues that this institution was not a semifeudal dependence but an economic collaboration between smaller and larger landholders. "Plebs et nobilitas" maintains that the former has nothing to do with *clientela*, nor any obligation to the patriciate, but co-exists with *clientela*; therefore, that the *plebs* developed out of *clientela*, plebeians being former clients. Parallel to the constitution of the *nobilitas*, by the union of rich plebeians and the patriciate, was the process of transfer of movable capital into landholdings by means of acquiring *ager quaestorius* and *trientabula*. In the next chapter, "Le Colonie," is discussed the senatorial agrarian policy—the creation of a network of colonies by military and demographic necessity, but above all by political reasons. Near Rome the possessions of the *nobilitas* increased enormously, but throughout Italy colonies were founded and flourished. The fifth chapter, "Latifundia," recounts briefly the development of the large holdings, but insists that qualification is necessary of the rapidity, the extent, and the significance of that development. The new crops had not replaced grain; slave labor had not replaced free; the small farmer was not in decadence. Zancan agrees with Kromayer that the *latifundia* prevailed in central Italy but small holdings in the rest of the peninsula and especially in the north. Much public land in central and southern Italy was granted to the knights for pasturage as *ager scripturarius*—the characteristic use of public land in the period before the Gracchi. The last chapter of Part I, "I Gracchi," sketches the problems—population, franchise, control of governors, and army—of which the brothers Gracchi made tentative solutions. The revolution did not commence then, for the constitution continued without essential change until Caesar; the real crisis came only when the old forms were inadequate to political reality, as recognized by everyone, that is, in the time of Caesar and Augustus.

The chapters of which the second part consists are: (i) "I testi letterari e il testo epigrafico," (ii) "L'ordine e le disposizioni della legge," (iii) "Dalla legge

Toria alla legge Sempronia," (iv) "Conclusioni." In agreement with Mommsen and Niccolini, the author identifies the Lex Thoria of Cicero *Brut.* 136 with the second of the three laws recorded in Appian *B.C.* i. 27; and with Niccolini the Lex Thoria and the epigraphical Lex Agraria are identified. A new and pleasing restoration of line 20 of the Lex Agraria is proposed, reading: "neive quis quid postea quam (*vec*) tigalia consistent, quae post h. l. rog. primum constiterint, ob eos ag(ros locos aedificia dato dareve debeto, *neive facito quo quis quid pro scriptura pecoris quod in eis ag*)reis pascetur, populo aut publicano dare debeat." Zancan interprets the second law in Appian as effecting the cessation of land assignments, distribution of the revenue to the populace, and the toleration, though not the legalization, of holdings in excess of the Gracchan limits; and the phrase of Cicero (*loc. cit.*) is interpreted to mean that the Lex Thoria freed the *ager publicus*, or rather *privata possessio*, from the condition of *ager vectigalis* imposed by Tiberius Gracchus—vicious from the juridical viewpoint because "private" and "tributary" are contradictory; futile because it did not attain the objects Tiberius Gracchus intended.

The second chapter discusses the arrangement and provisions of the law. Zancan builds upon the foundations of Mommsen, with whom he disagrees, however, in some details of textual restoration and interpretation. Chapter iii traces agrarian legislation backward from the Lex Thoria of 111 B.C. to the Gracchi. In the author's opinion, under Tiberius assignments were in ownership, not possession, were inalienable, and subject to a *vectigal*; lands left to the then holders did not have to be paid for, were *privata possessio* in perpetuity, and were subject to a *vectigal*. Gaius confirmed Tiberius' law and the activity of the triumvirs, and laid the groundwork for the colonizing laws which were intended to follow. The first law of Appian abolished the inalienability. Under the second law the assignments ceased, and in compensation the revenue was distributed to the people. The third law abolished the *vectigal*. All holdings thereupon became *ager privatus*, and what public land still remained became *ager scripturarius*. The concluding chapter emphasizes the final victory of the *equites* in obtaining the extension of the *ager scripturarius*, and that the abolition of inalienability advanced the large holdings of the *nobilitas*.

There is a brief select Bibliography but no Index.

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ROBERT SAMUEL ROGERS

The Reception of the Egyptian Cults by the Greeks (330-30 B.C.). By THOMAS ALLAN BRADY. ("University of Missouri Studies," Vol. X, No. 1.) Columbia, 1935. Pp. 88.

Professor Brady has made a complete study of the history of the Egyptian cults among the Greeks from Alexander's conquest of Egypt to the beginning

of the reign of Augustus. In the Introduction he states that his purpose is to discover the effect of Egyptian religion upon the Greeks both in Egypt and in Greece, this being the most important phase of the conflict of Greek and Egyptian cultures. He divides his history into four periods—330–285, 285–223, 223–145, 145–30—and he devotes one chapter to each period. He uses the term “Greeks” to mean all people of Greek speech from any part of the Mediterranean world.

Even before 330 there were Greeks who worshiped Egyptian gods, but with the impetus of the Greco-Macedonian conquest of Egypt the Egyptian cults began to reach large numbers of the Greek people. In the period 330–285 cults of Isis, Osiris, and others were set up in seaport towns of the Aegean. In the reign of Ptolemy I, Sarapis was created out of Osorapis, the Osirified Apis. At this point Professor Brady should have included a short statement of the political reason for the creation and propagation of the Sarapis cult by the Ptolemies; but he leaves this to be inferred from chance remarks in the later chapters.

The period 285–223 was the heyday of Sarapis. His cult, with those of Isis, other Egyptian gods, and the deified rulers, spread far among the Greeks of Egypt and of Greece. In Egypt the Greeks began to accept Sarapis and Isis on equal terms with the Olympians, giving them a Hellenic form. The Ptolemaic domination of the Aegean spread the Egyptian cults, especially those of Sarapis and Isis, through the islands and coasts of the Aegean. The Ptolemies' officers, as well as Greeks who had returned home from service in Egypt, carried Sarapis' cult to many cities. At this time Sarapis' character became more clearly defined. He became the patron of ambitious men who wished to rise in the Ptolemaic service, and he was regarded as a god of healing and as a savior in battle. But even before 223 Sarapis' influence as an imperial deity began to wane, and continued to wane as Ptolemaic power declined in the Aegean. Greek and Egyptian ideas of Isis reacted upon each other and developed the Hellenistic Isis, who was neither Greek nor Egyptian.

In the period 223–145 Sarapis' cult steadily declined in importance, while that of Isis became increasingly prominent. The native Egyptians had never taken to Sarapis, and by identifying him with Osiris and Apis they succeeded in destroying his individual nature. But the cult of Isis succeeded in accomplishing that for which the cult of Sarapis had been intended; for she was accepted by both Greeks and Egyptians. In Greece the cults of Sarapis, Isis, and Osiris were spread farther by the older foundations, but not so much as to justify Professor Brady's title to section 2 of chapter iii, “The Conquest of Greece by the Egyptian Deities.”

In the fourth period, 145–30, the Greeks of Egypt were more and more accepting the native gods in their native forms. Ptolemy Alexander favored the native gods and temples over the Hellenic, and his officials followed suit. Sarapis had now faded into the background, though always present in the temples. Isis was now the dominant Egyptian deity. In Greece the cult of

Sarapis had a little more life than in Egypt, and it was carried to more cities by the older establishments.

Appendix I contains a list of temples, altars, and shrines of Isis and Sarapis in the period covered by the study. Appendix II is a prosopographia of non-Egyptians, chiefly Greeks and Macedonians, who entered in some way into the Egyptian cults between 330 and 30; it is accompanied by a statistical analysis.

Professor Brady has made a thorough and painstaking study of his subject, and has considered all the evidence. In places, however, his treatment lacks clarity, and his organization of much of the material is faulty. He swings back and forth among native Egyptian gods, Hellenized Egyptian gods, deified rulers, Greek gods in Egypt, cult-associations, leaving a decidedly chaotic impression. There are also a number of mistakes and questionable statements, of which I shall point out the following:

Page 9: "A Seleucid king dedicated to Apollo at Miletus an 'Osiris-cup.' " What does Professor Brady understand by an "Osiris-cup"? The words of the inscription, a list of offerings at Didyma by Seleucus I and Antiochus Soter (*OGIS*, I, 214 = *CIG*, 2852 = Ditt., *Syll.* [1], 170 = Michel 39 = Haus-soullier, *Milet et Didymeion*, p. 195) are ἄλ|λη καρνώτῃ 'Οσ|ίρ|ιδος μία. Listed also are vessels with the inscriptions Ἀγαθῆς Τύχης, Ἀ[ητούς], Ἐκάτης, Ἀ|πόλ|λωνος, Ἄρ|τέμιδος, Διὶ Σωτήρι, θεῶν σωτήρων. The Seleucids had instructed their envoy to dedicate all these cups to the θεοὶ σωτήρες, who, as Dittenberger (*Ad OGIS*, I, 214) saw, are Apollo Didymaeus and the gods associated with him at Didyma. Now we know that Apollo, Leto, Artemis, and Zeus Soter were much venerated at Didyma; we also know that Hecate received worship there. Obviously, then, each cup was a dedication to the god whose name was inscribed upon it, and the cup mentioned by Professor Brady was a dedication to Osiris, whose cult had already been established at Didyma.

Page 11: "The deification of rulers was a Greek practice which, by this time, rested upon many sound precedents." This is a very surprising statement. Can Professor Brady give us examples of Greek deification of rulers before Alexander's deification? If he points to the deification of the living Ly-sander, less than a century earlier, he can hardly hold that to be evidence of a Greek practice of deifying rulers (see Farnell, *Greek Hero Cults* [Oxford, 1921], p. 368). Surely the only precedents were oriental.

Page 30: "The native gods . . . were identified with Greek gods: Chnubis with Ammon, Satis with Hera, etc." Was Ammon a Greek god? Of course Professor Brady means the Hellenized Ammon, but he should say this.

Objecting to Wilamowitz' statement (*Gött. Gel. Anz.* [1901], pp. 44 f.) that the Greek settlers in the Fayum lived a purely material existence, their formalistic religion being in reality no religion at all, Professor Brady says (p. 41):

That may have been the case, but certainly the Greek population which still read Homer and the Greek dramatists and lyric poets had not lost sight entirely

of the higher things of life. The old religion of the city-state may have been only mythology to these people, yet new forces had come into their lives.

When analyzed, this statement turns out to be meaningless as an objection to Wilamowitz' assertion. The "higher things of life" do not necessarily involve religious feeling. Was the educated Greek of the Fayum any more likely than the modern classicist to be led by his reading of Homer, Aeschylus, and Pindar to more spiritual forms of religion? Again, mythology does not mean neglected or disbelieved religion. Wilamowitz actually said that the Homeric gods were mythology to the Greeks of the Fayum, which may be true, and is not the same thing as saying that the old religion of the city-state was mythology to them. The religion of the city-state had no essential relation to Greek mythology. As for the Greeks of the Fayum, the mythology had always been mythology to them, just as to their ancestors, and the religion of the city-state may or may not have had meaning for them. Finally, what new religious forces had entered their lives in the Fayum other than those of the ritualistic, institutionalized Egyptian religion?

Page 43: "By the time of Augustus, the cult of Sarapis and Isis had spread throughout all Greece, and remained the dominant cult there, very probably, until displaced by Christianity." Can we believe that these cults were ever dominant among the Greeks of Greece? Did they become more important in Athens than Athena's, or in Miletus than Apollo's? The evidence will not support such an assertion. We know that the old Greek cults continued their existence until the end of paganism; while they lacked their earlier vitality, they still meant more to the common Greek than the imported Egyptian cults.

In transliterating certain Greek words Professor Brady writes *katochoi* (p. 27), *hypodoiocytes* (p. 28), *neopoius* (p. 21). But is there any middle ground between *katochoi* and *catochi*, between *neopoius* and *neopoeus*? On page 48, however, he writes *Italikoi*. Further, he constantly uses *oi* as the second-declension plural termination, but *ae* usually as the first-declension plural termination.

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Marcellus von Side als Arzt und die Koiraniden des Hermes Trismegistus. Von MAX WELLMANN. (*Philologus*, Suppl. Band XXVII, Heft 2.) Leipzig: Dieterich'sche Verlagsbuchhandlung, 1934. Pp. 50. M. 4.50.

Those who knew and could intelligently evaluate the work of the lamented Max Wellmann will be gratified to know that his last completed study, accepted for publication and set up but not corrected at the time of his death, has now been issued in a form which, so far as one can judge, must have satisfied its learned author, had he lived to see it through the press.

The works of Marcellus, who enjoyed a high reputation and imperial favor

in the time of Hadrian and Antoninus, remain to us in fragments only. His medical treatise, like his epigrams, has hitherto been considered chiefly from the formal side and especially with reference to its merits or faults as verse. Wellmann, on the contrary, was interested in the contents. In the present study he takes up the medical fragments and shows that they agree in good part with the body of doctrine whose history he traced in his *Physiologus*, published five years ago. It will be conceded that he has made good his thesis that Marcellus is to be placed in the line of tradition which can be followed back to Bolos-Democritus—a tradition which had relations with neo-Pythagoreanism, magic, and alchemy, and colored much of the popular-scientific thought from the third century B.C. onward. What we do not know, and may never know, is the earlier history of these ideas. It seems to me that we are likely to be led astray by the desire to be specific. Greece in the fourth and third centuries was the great "melting pot," in which notions and practices of many foreign peoples entered into combination with those of the Greeks, especially of Greeks who belonged to lower social strata. That many of these notions and practices were ancient I believe we may be sure, despite the fact that we cannot state when and by whom they were entertained. Their prominence was due chiefly to social changes, which brought to the front a class which had theretofore been in the background; and their prevalence at a later time resulted naturally from the all but complete ascendancy of that class, augmented by social groups of like character in the West. Like comets, such things appear and disappear, simply because of the limitations of our vision, not because they suddenly arise and pass utterly away.

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Der Dichter und sein Gott bei den Griechen und Römern. VON OTTO FALTER.
Würzburg: Konrad Triltsch, 1934. Pp. 95. Rm. 3.

This is a careful and scholarly collection of material on the subject of poetic inspiration—the poet's consciousness of an obligation to the divine for the gift of song, his expression of that sense of obligation, his call for help in invocation of gods and muses. The author divides the work into two sections, historical and systematic (this division seems a little awkward and involves a great deal of needless repetition). In the former the author discusses the Homeric poems, Hesiod, the lyric poets, Callimachus, Theocritus, the drama both tragic and comic; in the latter portion the author discusses the reasons for invocation—the poet's feeling of helplessness in the face of his great task. He proceeds to discuss the invocation of muse or muses, and of the various gods, and to describe the boons of aid and comfort that the poet feels that he gains from divine protection.

With the author's collection of material no fault can be found, but the work as a whole gives an impression of overseriousness and literal-minded-

ness. The author fails to appreciate that the same forms and a similar literary convention may have very different content, meaning, and intention at different stages of social development. What in Homer is piety may in Aristophanes be burlesque, and to speak of Horace's odes on the tree trunk as "true personal experience" verges on the ridiculous.

Even so, we may expect that critics two thousand years from now will place in solemn juxtaposition the language of the Christian liturgy and its burlesque in Auden and Ischerwood, analogously confounding the literary expressions of organic and individualistic stages of society.

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The Fourth Book of Virgil's Aeneid. By H. E. BUTLER. Oxford: Blackwell, 1935. Pp. 91.

This is an edition designed for advanced school students and undergraduates. They will find the Introduction both readable and useful, even though on page 32 it conveys the wrong impression that there is only one chronological puzzle in this book. The editor has some very sensible things to say on Virgil's debt to Apollonius and others, on the poet's originality, and on the parts played by Dido and Aeneas; he perhaps underestimates the importance of Dido's vow to Sychaeus' ashes (p. 24). Despite disturbing misprints in lines 240 and 650, the text is good; I prefer *impenso* for *incensum* in line 54. The weakest part of this edition is the commentary. School students and undergraduates will not find it of much use. Professor Butler claims that his notes are on "passages which present serious difficulty." In fact, such passages usually get no notes at all (e.g., *inceptos hymenaeos*, l. 316; *pro re*, l. 337; Anchises' implied Italian burial, l. 427); or else they get notes that fail to point out the difficulties (e.g., *bidens*, l. 57; *trieterica*, l. 302; *quae quibus anteferam*, l. 371). Peculiarities in scansion are selected for mention in a very capricious manner: *conubio* in line 126, the hypermetric lines 558 and 629, and the hiatus in lines 233 and 667 are given notes; yet *Sidonias* (l. 75), *potitur* (l. 217), and *fervere* (ll. 409 and 567) are passed by in silence. There is no Index.

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Stadt und Staat im römischen Italien: Untersuchungen über die Entwicklung des Munizipalwesens in der republikanischen Zeit. By HANS RUDOLPH. Leipzig: Dieterich'sche Verlagsbuchhandlung, 1935. Pp. viii+257. Paper, Rm. 10; cloth, Rm. 12.

The publication in 1913 of Rosenberg's work (*Der Staat der alten Italiker*) and the discussion of it by Kornemann ("Zur altitalischen Verfassungsge-

schichte," *Klio*, XIV [1915], 190 ff.) and by Dessau ("Zur Stadtverfassung von Tusculum," *ibid.*, pp. 489 ff.) inaugurated an interest, especially among German scholars, in the development of magistracies in the early Italian towns and the relation between that development and the development of the Roman magistracies. More recently Beloch has contributed a short, but clear and careful, chapter on the problem (*Römische Geschichte bis zum Beginn der punischen Kriege*, pp. 488 ff.). Rudolph's book is based upon a *Durcharbeitung* of all the evidence, both literary and epigraphical, upon which the previous writers founded their conclusions. The result is a contention that is radically new: "Diktatur, Ädilität, Achtmännerkollegium und andere Einrichtungen der Munizipien stellten sich nicht als ursprüngliche etruskische, latinische oder sabinische, sondern als römische Munizipalordnungen dar" (p. iv).

An adequate criticism of the author's fundamental position requires a lengthy article rather than a review. An idea of his method and its pitfalls may be derived from an examination of his discussion of the dictatorship. The annalistic tradition is almost unanimous in recording dictatorships as regular magistracies in certain Latin towns before their incorporation within the Roman state (viz., Tusculum, Fidenae, and especially Alba). Again, epigraphical evidence of the imperial period shows the existence of dictatorships as regular municipal magistracies in at least four towns (viz., Caere, Aricia, Lanuvium, and Nomentum). The usual interpretation of this evidence up to now has been that the presence of the dictatorship as a municipal magistracy in the imperial period in certain towns is due to the preservation of an ancestral office proper to these towns, and therefore that the annalistic tradition, in so far as it records the existence of this magistracy in the pre-Roman era, is substantially correct. Rudolph rejects this interpretation on two counts: (1) the early dictatorship was not a magistracy but a priestly office, or "eher eine Art magistratischer Oberleiter des Sacralwesens," and (2) the early dictatorship was not an office indigenous to the several towns in which it existed but an institution established in them by Rome when, in the fourth century B.C., they came within the Roman jurisdiction (the purpose of the institution being to provide these towns with independent religious representatives at the *Latiar*). The author attempts to maintain his point, first, by discarding the annalistic evidence as worthless and, second, by describing the secular character of the municipal dictatorship in the imperial period as a later development. One immediately asks how the Roman dictatorship fits into this picture. The author quite correctly points out that the word *dictator* was used in Rome as a later and popular designation of the official *magister populi*. But how did it arise? According to Rudolph, it arose because dictators (i.e., *magistri populi*) were occasionally appointed to represent Rome at the *Latiar* (on the basis of a single mention in the *Fast. Capitol.* of a *dict(ator) Latina(rum) fer(iarum) caussa* [257 B.C.]). The Latins, whose representatives, according to Rudolph, were the dictators appointed by Rome for that precise

purpose, naturally applied the same name to the Roman representative, and so the custom of calling the Roman *magister populi* a "dictator" began. Is it not more plausible in itself and less severe upon the extant evidence, both annalistic and epigraphical, to assume that the Roman *magister populi* was called a dictator because his prerogatives *rei gerundae causa* were analogous to those of other Latin (and perhaps Etruscan) magisterial *dictatores*?

The foregoing remarks show how extremely conjectural Rudolph's contention is and upon what slender evidence it hangs. His mistake lies in the attempt, in his treatment of the early development of magistracies in the Roman *municipia*, to give a picture that is both comprehensive and consistent. The extant evidence is simply not adequate enough to justify such an essay. In dealing with such a problem one must rather apply the principles of historical probability, and their application leads to conclusions quite different from those of Rudolph. In early central Italy, where Sabine, Volscian, Umbrian, Etruscan, and Latin were in constant contact and conflict, it stands to reason that there was a reciprocal process of borrowing and lending. An attempt, therefore, to make municipal institutions purely the result of Roman influence, or for that matter to make Roman institutions purely the result of Etruscan or other external influences, is, however novel and tempting, bound to be unconvincing. The use of the word *dictator* to describe the municipal magistrate at Caere, for instance, may well be the application of a Latin equivalent for the Etruscan *zilax*, and a connection between the Umbrian *maro* and the Etruscan *marunux* is very probable. Moreover, some communities certainly maintained, after their incorporation as Roman *municipia*, their original praetorian magistracy, and Capua and its neighbors preserved their *medix tuticus* down to the time of the Hannibalic War. Beloch's conclusion (*op. cit.*, p. 521) "dass überall, wo wir in Municipien statt IIviri oder IIIviri Magistrate mit anderem Titel an der Spitze finden, wie Dictatoren, Praetoren, Aedilen (als höchste Beamte), VIIIviri, wir es mit Altbürgergemeinden zu tun haben" seems much better founded than the hypothesis of Rudolph, and Mommsen's comment (*Staatsrecht* II³, Part I, 170) that those communities maintained the dictatorship "die ihre ursprüngliche Staatsform verhältnismässig rein bewahrt zu haben scheinen" historically much more plausible.

Despite the fact that the author seems to have attempted to prove too much, his work is certainly the most comprehensive and painstaking investigation of this difficult problem that has yet appeared, and as such is indispensable for all scholars who are interested in the subject. His discussion of the IIIIvirate and IIvirate of the later *municipia*, his analyses of the *Lex municipii Tarentini* and the *Lex Iulia municipalis*, and his interpretation of Caesar's concern with the municipal problem are thorough and keen. With reference to the *Lex Iulia municipalis* one may be permitted to call to his attention three important articles in English: "The Table of Heraclea and the *Lex Iulia Municipalis*," by E. G. Hardy (*JRS*, IV [1914], 65-120), "The

So-called '*Lex Iulia Municipalis*,' " by J. S. Reid (*JRS*, V [1915], 207-48), and the discussion by T. Rice Holmes (*The Roman Republic*, III, 553-64).

The author is a former student of Professor Helmut Berve, and the first chapter of his book ("Die Diktatur") was presented in the spring of 1932 as a dissertation to the philosophy faculty of the University of Leipzig. The thoroughness of the indexes, which include a complete register of all the literary and epigraphical sources cited, is a matter for congratulation, as is the production of a text that is remarkably free of typographical errors.

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Seneca, Moral Essays III, with an English Translation. By JOHN W. BASORE, PH.D. ("Loeb Classical Library.") Cambridge, Mass.: Harvard University Press; London: William Heinemann, Ltd., 1935. Pp. viii+532.

With the completion of this third volume of Seneca's *Moral Essays* Dr. Basore concludes a long and arduous task. Latin authors are never very easy to translate, and Seneca presents peculiar difficulties because of his "pointed" style, with which the English language is not always, perhaps, fitted to cope. Of Seneca's brilliance, abundantly present even in the repetitious *De beneficiis* contained in this third volume, it is fair to say that one might receive a disappointing impression from this translation; Dr. Basore steps rather heavily among the dainty china with which Seneca has stocked his shop. To judge of the soundness of this criticism one should compare passages taken at random from the charming rendering by F. and P. Richard in the "Classiques Garnier" with the corresponding passages in the Loeb volume. It is not merely a knowledge of Latin that is required to translate Seneca but a wide acquaintance with English idiom and a subtle feeling for its potentialities.

The translator of this third volume of the *Moral Essays* is, on the whole, rather pedestrian. This might be readily enough forgiven in a world where few attain distinction in style, but it is not so easy to pass over the numerous lapses which Dr. Basore makes into that type of English which is the bane of the classical instructor's life. Examples are: "our forefathers, those most venerable men" for "our revered fathers" (p. 53); "*quoto anno* means how many years it will take etc." (p. 228 n.); "even while he is being born" for "at the very moment of birth" (p. 239); "I seem to you now to have been false" for "you will be thinking by now that I have belied" (p. 323); "the death of their best of wives" for "the death of their good wives" (p. 339; Dr. Basore's handling of the Latin superlative is uninspired); "if your house is on fire and I shall put it out, I shall give you a benefit" (p. 341). The translation is full of this most un-English future in the protasis of conditional sentences, and probably most readers will find it as annoying and as unjustified as the extensive and quite unwarranted use of the dash in Dr. Basore's punctuation.

There are, besides, a number of passages which will not pass muster as English; we have, for instance: "offence quite unfitted" for "offence quite unsuitable" (p. 141); "to lose that victory" for "to admit defeat in that contest" (p. 203); "for the sake of the bad" for "because of the bad," which is not the same thing (p. 261); "resuscitated his breath" for "got his breathing started again" (p. 281); "everything returns to whence it came" (p. 313); "to give credence to" for "to gain credence for" (p. 509).

Of mistranslations of the Latin the present reviewer has noted some forty in a cursory reading of the volume; here are a few. *Non dilutum honorem*, "an honor which had not been watered down" is rendered (p. 41) "so marked an honor"; on page 55, "because you invited a witness to the transaction" should be "because you employed the influence of a third person as an intermediary"; on page 57, "without deduction" is very lame for "without discount." Again, on page 103, "Gaius Lentulus the augur, who, before his freedmen reduced him to poverty" should be "who, before [the rise of] the [imperial] freedmen made him a pauper [by comparison]"; and on page 111, in the eighth line, "nothing" should be "anything." On page 149, near the foot, "unwillingly" for "unwittingly" spoils the force of the argument. On page 161 the last sentence on the page is badly translated, in this case with plenty of company. The rendering should be "that they have often made those very masters [dependents] on their bounty," on the analogy of *oram maritimam dicionis Romanae facere*. Not to multiply instances, on page 425, "nor shall I censure you" should certainly be "nor shall I detain you long [with my instances] against your will," and on page 381 the enigmatic "judges who were about to convict a man on the score of his case have refused to convict him on the score of influence" presents no difficulties if rendered "judges who were disposed to convict a man on the facts have declined to convict him in view of influence [improperly exerted against him]."

The explanatory footnotes are limited to the strictly necessary, as is the rule in the Loeb texts, but even so it would seem that to "defended his father in court" (p. 193) a note should be appended calling attention to Seneca's error in the case, as also on page 201, in regard to his naming Antigonus in place of Demetrius Poliorcetes. On page 440, as the exact date and circumstances are given for the *devotio* of the elder Decius, why not add "at Sentinum in 295 B.C." for the younger? In the note on the expensive tables, page 478, it seems odd not to include a reference to Seneca's own vast collection of over five hundred (*Dio Cassius* lxi. 10. 3). On page 188 Agrippa is mentioned as the husband of Julia without mention of Tiberius, but on page 430 Tiberius without mention of Agrippa; these two half-truths might be better assembled in one note. On pages 142 and 484 the fourteen *ordines* of the Knights draw substantially the same footnote, and on pages 338 and 442 Rutilius achieves the same feat. The manner of statement in the footnote to page 490, relating to Harmodius and Aristogiton, is infelicitous.

The text is very conservatively handled, being, as the Preface states, prac-

tically that of Hosius² (Leipzig: 1914). Dr. Basore has, however, wisely availed himself of some eight or ten of Préchac's minor emendations, most notably <sed vilis> in iii. 23. 4. His own best contribution is the explanatory footnote on pages 228-29, but it would be simpler to read with N³ *cum* erit. At iii. 16. 4 the note should read: "auctiores N², auctores N"; there is no reason for mentioning Préchac here as Hosius also reads *auctiores*. In iii. 24. *fin.*, *intelligas* is an N² reading; Hosius retains *intellegis* with N, and this should be mentioned. In ii. 23. 2, Préchac's stand on behalf of the N reading *chirographum dare* is accepted for the text, but Préchac's explanation and translation are ignored on the opposite page. In ii. 34. 3, *fortitudo est virtus*, even the casual reader should be warned that *virtus* does not appear in N but is a stopgap found in GV, rejected by many modern scholars. At vi. 2. 2, I might venture to remind Dr. Basore of my own conjectural emendation: "itaque cum eripit ipsa rerum natura, revocare, quod dedit, non potest" (*Class. Quar.*, January, 1934, p. 55).

The translations furnished by Dr. Basore for the numerous poetical quotations are disturbing; not a few of them are impossible of scansion, and the present reviewer cannot understand on what principle the translator passes from a five-iambic line to a six-iambic in rendering verses from the same work. Thus on page 455 five-iambic lines, but on page 471 a six-iambic, though both passages are from the *Georgics*. It is no great task to make the line on page 471 read: "ah! vainly view another's mighty store." And in the translation of the revamped Ovidian line quoted on page 232, has not Dr. Basore's "could" in place of "might" rather confused physiology and morals?

The following misprints have been detected: page 145, "repayed"; page 261, "A sa" for "As a"; page 277, a comma lost at the end of the first line (apparently); page 283, second line, "order" for "orders" (presumably); page 375, third line, the period should be an interrogation sign; page 490, footnote, "Acroplis" for "Acropolis"; page 500, the small numeral 1 should be deleted after *accepti*.

Despite the numerous criticisms offered above, it should be pointed out that Dr. Basore's translation of the *De beneficiis* represents in many places an advance on Stewart's rendering; the latter leaned too heavily on Gertz's text.

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Gai Institutiones. By B. KUEBLER. 7th ed. Leipzig: Teubner, 1935.

The sixth edition of Gaius appeared in 1928 but was printed too soon to include the readings of the Oxyrhynchus Gaius (Pap. Ox. 17, 2103), which were added as a Supplement. The discovery of five papyrus leaves of a fourth-century Gaius text in Cairo, as well as the lapse of time, have necessitated a new edition.

This codex Cairenus (*PSI*, No. 1182) was found in 1933 by Signora Medea Norsa, a well-known Italian papyrologist, and published in the same year by Professor Arangio-Ruiz, the distinguished Romanist of Naples, now at the head of the Italian school in Cairo. It is now at Florence. It has, as we might have supposed, aroused much discussion. To the articles of Albertario, Ernst Levy, Collinet, and Frezza mentioned in the Preface (p. x), I might add the very important one by De Zulueta in the *Journal of Roman Studies* (XXIV, 168, and XXV, 19) as well as those by R. Monier (*Les nouveaux fragments de Gaius* [Paris, 1933]), B. Arangio-Ruiz (*Ist. dir. rom.*, XLII [1935], 571-624), G. Cornil (*Rev. Univ. Bruxelles*, XXXIX, 22*-27*), and A. E. Giffard (*Rev. hist. dr.*, XIII [1934], 584).

The new text contains two passages of first-rate importance. We get precise details of the *societas ercto non cito*, the *consortium* of the *Digest* texts (iii. 154a), and the formulas, or parts of them, of the two last *legis actiones*—the *l. a. per iudicis arbitrive postulationem* and the *l. a. per conductionem* (iv. 17a-17b). Either of these two passages alone would have been greeted as a major find.

The expression *erctum citum* is known to us from Festus, *s.v. erctum citumque*. Scaliger omitted the *que*—quite correctly, as I think the new text makes clear (cf. also Festus, *s.v. disertationes, inerctum*). We likewise have the phrase in Gellius i. 9. 12 and Servius *ad Aen.* viii. 642; and in Cicero *De oratore* i. 237 we find *herctum cieri*.

The meaning of both words is not a new crux for philologists, ancient or modern. Gaius in this passage derives *erctus* from *erus* and *citum* from *ciere*, which he apparently takes to be the stymon of *caedere*. Whether this is better etymologizing than the famous juristic derivation of *mutuum* from *ex meo tuum* (Gaius iii. 90) we may decline to examine, but it is only fair to point out that it is not as Zulueta supposes (*JHS*, XXV, 21) inconsistent with Gaius ii. 219. In the latter passage Gaius is merely translating *erciscunda*, not giving its etymology. That *erctum* is the participle of *ercisco* may be clear to us. It is not certain that it was to Gaius. And, as a matter of fact, *erctum* may have meant *patrimonium* originally, even if, in a later technical phrase, *erciscere* had come to mean "divide the patrimonium."

Festus—or Paul—(Lindsay, p. 72) took *erctum* to come from *arceo* and *citum* from *ciere*, "to call," without offering any suggestion about the connection of the notion of "calling" with this institution.

The consensus of Donatus, whom Servius (*loc. cit.*) quotes, and the new Gaius makes the meaning of *citum* clear. The papyrus reads: "*ciere autem dividere est; unde caedere et secare [et dividere] dicimus.*" Arangio-Ruiz omits the words *et dividere*, in which he is followed by most of the other editors. I am tempted to question the deletion. Gaius says that *ciere* means *dividere*, "separate," and that from *ciere* the word *caedere* is derived, for which he gives two approximate synonyms—*et secare et dividere*. We might paraphrase "separate by cutting," "cut into portions." Without the second

dividere, Gaius is committed to giving *ciere* as the origin of *secare*, since *unde* regularly introduces an etymology. That is a bit strong even for an ancient philologist or jurist.

Zulueta rejects—I think rightly—Collinet's theory that the *erctum non citum* did not begin until a formal legal act had taken place (*loc. cit.*, p. 21). But we need not, therefore, assume that the joint heirs settled down to a "lasting union" (*ibid.*, p. 20). Gaius does not say so. He merely says that the union existed unless it was formally dissolved, obviously by an *actio familiae erciscundae*. It lasted only as long as the *consortes* wished it to. It could be dissolved, Cicero tells us (*De or.* i. 237), only by a formulaic utterance which at one's peril had to be precisely right.

The thoroughly novel element which the text gives us is that the *erctum non citum* could be entered into by any persons by means of a special procedure before the praetor: "alii quoque qui volebant eandem habere societatem poterant id consequi apud praetorem certa legis actione." Commentators have apparently taken *certa legis actione* to mean merely "by appropriate legal procedure." This is to take *legis actione* as though it were *actu legitimo* or perhaps *legitima actione*. The word is certainly used of a formal procedure before a magistrate which is not contentious, as in the case of a manumission or an adoption, both of which were matters that involved apparently the intervention of what could be called "sovereign" authority. The term is so used by Modestinus (*Dig.* i. 7. 4), *magistratum, apud quem legis actio est*, in a phrase that may go back to Neratius Priscus. But *legis actione* in Gaius regularly means the "legisaction," technically so called. And Gaius himself is our chief authority for the fact that there were only five such legislations (iv. 12.).

Which one was employed here? The action for dividing the *erctum* (*act. fam. erc.*) was provided for in the Twelve Tables, as Gaius states in his book on the Provincial Edict (*Dig.* x. 21. pr.). But this action could easily take the form of the *l. a. sacramento* or—since it might well be a friendly suit—any of the other forms, if a *confessio in iure* was arranged for. But how did one enter into an obligation by means of a *legis actio*? Perhaps if we consider what the new text tells us of the result of the *consortium*, a collusive action might help. If one of the prospective partners manumitted a slave and the other claimed the right of a patron, which was not denied, we should get that result—or else by means of a mancipation with a similarly collusive action. It seems a roundabout fashion, but it is quite in the spirit of early law in all systems.

The other new passage (iv. 17a, 17b) is of even greater importance. It gives us the formulas for both the *l. a. per iud. arb. post.* and the *l. a. per conditionem*. Only part of the former was known before. It also adds an important new reference to the Twelve Tables and illustrates once more the extreme danger of the *argumentum ex silentio*. The first words of 17a are: "Per iudicis postulationem agebatur, si qua de re ut ita ageretur lex iussisset,

sicuti lex XII tabularum de eo quod ex stipulatione petitur." The absence of any reference to the stipulation in the Twelve Tables had long been noted, and from this absence, coupled with repeated reference to the *nexum*, far-reaching inference had been drawn. Even so admirable a scholar as Girard did so, although with full consciousness of the hazard he was running (*Manuel de droit romain* [7th ed.], pp. 508-9). The new text makes the stipulation older than 450 B.C. It need not have been much older. The *nexum* was rendered practically ineffective by the Lex Poetelia (326 or 313 B.C.). For the *nexum*, an institution of fundamental importance for every phase of Roman law, I might refer to Professor de Zulueta's article in *Law Quarterly Review* (London), XXVIII (1913), 137 ff., which is not so well known by classical philologists as it should be. If the oath, which was stressed by the Twelve Tables (Cicero *De off.* iii. 31. 111), was ever used to create obligations, as elsewhere in ancient society, it cannot have long survived for that purpose. It may be that the stipulation was a relatively new device, and that, as is suggested, the Twelve Tables themselves created the *l. a. per iudicis arbitrive postulationem* to enforce it.

Without using the *argumentum ex silentio*, we cannot be sure, even from the contrast between the two statements, that the *l. a. per conditionem* was not mentioned in the Twelve Tables. We may, however, reasonably conjecture that its function was to bring an action for a debt not created by stipulation. If this is so, the old procedure by legisaction, which lasted until the time of Caesar or Augustus—and for some purposes, still later—covered the whole range of legal transactions, and its defects must have been exclusively, as Gaius himself says, those of technicality and awkwardness (iv. 31). We may remember that Gaius wrote a commentary on the Twelve Tables and was perhaps the last man to do so. A complete text, doubtless modernized, must have been at his disposal.

Finds like this of the codex Cairenus afford new proof, if proof were needed, of the vitality and excitement which Egypt continues to provide for the study of classical antiquity. All this, however, has added a scant page and a half to the printed Teubner text, which Professor Kuebler edits for the second time. There is a new Preface, but the editor has also retained and slightly amplified the original Preface of Huschke. The additional matter in the text is not wholly due to new readings—they are few and insignificant—or to the welcome supplements of the lacunae in the Veronese palimpsest. The notes contain a few additional citations of nonlegal literature and some minor changes by the editor on his own authority, but in the main the new matter in the notes consists mainly of the suggestions of such impenitent interpolationists as Beseler, Solazzi, and Albertario to the effect that this sentence or that is non-Gaian and belongs to the sixth century.

Professor Kuebler pays his respects to the theory with courteous acknowledgment of the services of these scholars (p. xi) but with an emphatic *quibus non assentior*. It is hard to see how anyone can fail to join in this dissent. He

has some sensible remarks on the character of Gaius' book which would preclude, almost by definition, the whole basis of the interpolationist hypothesis. But after all, with the new texts, the discovery that in the third and fourth century the manuscripts of Gaius showed words and locutions which had been positively identified by interpolationists as Byzantine or what not would seem to discredit this fantastic critical method so completely that its results, except for the high and deserved reputation of the scholars who have presented them, scarcely merit inclusion in an apparatus criticus. There is no question of belittling the great debt Romanists owe to the researches of all these jurists, especially to Albertario and Solazzi. By accumulation of data and by ingenious and acute commentaries, they have put together material of a most valuable kind. They have, if we may pervert the ancient fable, admirably prepared the ground by industrious digging. But digging alone will not produce a crop, even if it does sometimes disclose buried treasure.

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